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DEPARTMENTS

The contents of the NATIONAL MUNICIPAL REVIEW are indexed in the *International Index to Periodicals* and in *Public Affairs Information Service*

THE LEAGUE'S BUSINESS

Meeting of Officers.—On this page last month we announced a meeting of the council and vice presidents of the National Municipal League which was scheduled for Princeton, N. J., on January 24 and 25. Because of conflicting engagements and because of the inability of many officers to attend a meeting so far in the East, the meeting has been postponed until February 21 and 22 and will be held at the Union League Club of Chicago. Members are requested to send in their suggestions for subjects to be discussed at this meeting concerning the present work program and the future policies of the National Municipal League.

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A Bouquet Resurrected.—In naming a collection of the various printed tributes to the importance of the National Municipal League's work, the secretary recently discovered the following statement tucked away in the final chapter of *American City Government* by Professor William Anderson of the University of Minnesota. In his chapter on "The Programme of Reform," Professor Anderson speaks as follows:

> Among national non-professional organizations the National Municipal League easily outranks all others in importance. Founded only thirty years ago (1894), and never composed of many thousand members, it has nevertheless been the head and front of the advancing column, and a principal focal point for the dissemination of municipal information and the promotion of municipal reform throughout the United States. It has chosen to represent the great body of informed citizens and students rather than the politician and officeholder as such, and it has been sufficiently catholic in its views to refuse to be the tool of any one interest or to stake its existence upon any one reform proposal. It is, in fact, the reform programme of this league, first adopted in 1900 and then revised and reaffirmed in 1916, which furnishes most of the material for this chapter. This programme covers most of the important phases of the municipal problem in America today. The NATIONAL MUNICIPAL REVIEW and other publications of the League are our principal sources of information upon the progress of municipal reform in all its branches.

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Proceedings of 1930 Convention.—The *Proceedings* of the National Conference on Government held at Cleveland, Ohio, on November 10, 11 and 12 have just been issued by the Governmental Research Association. The volume of *Proceedings* contains the majority of the addresses delivered at the convention sessions for which the National Municipal League was joint sponsor. Copies may be secured at $2.50 from the Governmental Research Association, 261 Broadway, New York City.

RUSSELL FORBES, *Secretary.*

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EDITORIAL COMMENT

This department wishes to add its congratulations to those expressed by Mr. Egger in his department on Municipal Activities Abroad to the *Deutscher Städtetag* on the twenty-fifth anniversary of its founding. A free translation of *Deutscher Städtetag* would be the National Municipal League of Germany.

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In our last issue we published a severe criticism by Bernard J. Newman of the housing code prepared by the New York state board of housing for adoption by the municipalities of the state. In the Notes and Events department of this issue appears a reply by George Gove, secretary of the New York state board of housing. Mr. Gove believes that Mr. Newman misinterpreted the purpose of the draft code and those who read the earlier article should refer to Mr. Gove's communication on page 116. In it he points out that the "model" code is a model only in the sense that it is something which the cities may follow. It is not intended as a complete catalogue of specifications for the planning or constructing of buildings; but its authors believe that, if its provisions are observed, reasonable public safety in the matter of housing will be secured.

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G. Montagu Harris, assistant secretary of the ministry of health of England and secretary of the International Union of Local Authorities, has announced that the Fifth International Congress of Local Authorities will meet in England, beginning on May 23, 1932. The first week will be devoted to formal sessions in London and visits to points of interest in the metropolitan region. The week following tours will be made to neighboring cities to give the visitors a glimpse of the administration of English urban and rural municipalities.

The Fourth International Congress was held last year in Spain. It is hoped that a considerable number of Americans will plan to attend the 1932 meeting.

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Readers of Mr. Dence's recent articles in the REVIEW on London's Progress in Slum Abatement will be interested in the housing program of the London County Council which has just been submitted to the ministry of health. It covers a five-year period, 1931 to 1935 inclusive, and anticipates that the total number of houses which will be provided in these years by the County Council will be 34,670, and that the total capital expenditure will be approximately $105,000,000. It is estimated that 6,200 houses of the above total will be necessary to rehouse persons in connection with the clearance of slum districts. The balance

will be erected on cottage estates and sites in or near the central areas of London suitable for new block dwellings.

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Dublin's City Manager

A recent number of the London *Municipal Journal* reports the inauguration of the city manager plan in Dublin. On the second Tuesday in October, eight local authorities in the county of Dublin ceased to exist, while several boards of guardians saw their functions transferred to a single board of health. In place of the eight local authorities there are now two—one, the new corporation of Dublin and the other the new borough of Dun Laoghaire.

The city manager of Dublin is Gerald J. Sherlock, who has served the Dublin corporation for over thirty years. For the past few years he has been city clerk. Previous to his service in that office, he acted as assistant to the late Sir Henry Campbell during some of the most difficult years of the civic history of Dublin.

The manager of the borough of Dun Laoghaire is P. J. Hernon. Mr. Hernon was commissioner for the city of Dublin for six years and prior to that was an inspector for the local government department for three years. A former student of the London School of Economics, Mr. Hernon seems to combine academic training and public experience in happy proportions.

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What Should We Demand of Our Mayors?

Chicago is now facing the heavy responsibility of selecting a mayor to serve for the next four years. Big Bill Thompson has indicated his willingness to succeed himself. If this is to be prevented and if the executive office is to be filled by an acceptable man—able to divest the city of its unhappy reputation—the civic intelligence of its people must organize and act. At this writing it is not clear that it intends to do so.

Whether or not Chicago follows his advice at this time, George O. Fairweather, who played such a conspicuous part in the Joint Commission on Real Estate Valuation, has made a suggestion which is worthy of study by all similar organizations elsewhere.

Mr. Fairweather in a talk to the Chicago Real Estate Board proposed that that body meet the present emergency by studying and reporting upon the following matters:

1. What is the power and authority of the mayor?
2. What are the job specifications of the office?
3. What are the platforms and proposals of candidates offering themselves for consideration?

The first two suggestions above are exceptionally noteworthy. If the voters were led to understand the powers of their municipal executive and the special capacity required to fill the office properly, a long step would be taken towards securing the right man. By emphasizing the powers and duties of the office and by carefully defining its job specifications, civic organizations can help in creating a popular demand that the man elected fulfill such specifications.

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Qualities of a Good City Manager

The International City Managers' Association has published a pamphlet entitled, "The Qualifications and Selection of a City Manager." From it we learn that the duties of a city manager cover a wide range, for the proper performance of which a variety of talents is needed. Thus, it is asserted that the city manager must be honest, forceful, tactful, industrious and loyal. He must have

vision, and if he lacks a sense of humor he is doomed to failure.

Such talents would seem to make for success in any vocation and we are somewhat reassured to be told that city councils will probably not be able to find a man in whom all of the foregoing characteristics are present at their maximum. Possibly, continues the report, such a man does not exist. A council, however, will be delinquent in its duty to the people, the committee properly believes, if it fails to obtain as manager the available person having the best combination of the prescribed virtues.

With respect to qualities other than personal, the greatest emphasis is placed upon experience. Large cities should choose only experienced managers or persons with a broad executive background. Small cities may find it to their advantage to employ a manager with engineering training; but in cities where the general supervisory duties are sufficient to keep him fully occupied there is no reason for preferring a candidate merely because he is an engineer.

The committee also places much stress upon education. Other things being equal, a man with college or university training should be preferred. Prospective managers will do well to take at least one year of graduate work at one of the universities which offer training in the field. A young man who has completed such special training may become the manager of a small city or an assistant to the manager of a large city.

The city manager profession is still a hazardous career and an ambitious youth may well hesitate before deciding to spend a year in postgraduate study in preparation for it. But the risks are unduly increased by the difficulties which will confront him when he comes to seek employment on the strength of his master's diploma. Graduates of engineering schools, medical colleges, and the like, must undergo a period of apprenticeship after graduation. It is proper that our young prospective managers should do likewise, but it is their right that opportunities for apprenticeship be provided them.

At present it is a rare manager who is permitted to take on apprentices. Under present conditions a beginner may complete the period of educational preparation which the Managers' Association considers necessary and yet never succeed in landing an apprenticeship. This uncertainty discourages many who otherwise would be perfectly willing to assume the political hazards of the profession once they were properly started on their career.

The City Managers' Association has performed a useful function in setting forth the qualities which make for success in a manager. In its early days, when job specifications were not well developed, the movement suffered from misfits in the profession. Fortunately, largely through the efforts of the organized managers themselves, we now know rather clearly what sort of people hold a promise of becoming successful managers.

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Housing for the Poor

Asserting that apartments which rent for $15 per room and upwards do nothing to solve the housing problem in New York City because the city is already supplied with more apartments than it needs at these levels, the City Affairs Committee of New York declares that municipal housing construction can provide unsubsidized modern apartments to rent as low as $7.50 per room, provided these apartments are not built on Manhattan. The city, it believes, can construct buildings to rent at this figure for which speculative builders would have to

charge $12 and limited dividend companies $9.00 per room, per month.

In building such low-priced apartments, the City Affairs Committee believes that the municipality would have a great advantage over private and limited dividend corporations. The city could borrow money on fifty-year bonds at a maximum of 4¼ per cent with .9 per cent amortization, whereas limited dividend corporations must pay 5 per cent for mortgages, 6 per cent on stock, and amortize at the rate of 3 per cent annually.

The proposal includes a new law giving the city statutory power to create a housing authority to function in a manner similar to the Port Authority. Preference in occupancy would be given to tenants who now occupy old law tenements (the Committee estimates that 1,500,000 persons are still housed in such tenements); and only those whose family income is less than $3,000 a year would be admitted.

The editor of this magazine is not a real estate expert, but he seriously questions some of the Committee's estimates of costs. Fifty years appears an excessive period in which to amortize construction such as is proposed for these apartments.

Interest charges of 4¼ per cent are based upon the pledging of the full faith and credit of the city, but if the municipality went into the housing business extensively there is no assurance that the rate would remain at this level. The City Affairs Committee asserts that the city's legal borrowing capacity could not be affected as the housing bonds would be outside the debt limit. But it cannot be denied that such issues would influence the city's credit even if the houses are wholly self-sustaining.

Whether the apartments would pay their way at the attractive rentals suggested is debatable. Even if a saving of one per cent in interest is maintained it will mean a saving of only $1.00 per room, per month, or $12.00 per room, per year. But unless the city proves a more efficient builder of houses than it has of other public works, this saving in interest may easily be absorbed by high construction costs. It is well known that construction costs vary widely among private builders, and it is questionable to assume that the city would prove as efficient in housing construction as the limited dividend companies.

It is true that, although they are not governmental obligations, the loans of the Port Authority have been placed at favorable rates. But the Authority's undertakings are proving extraordinarily profitable and, therefore, probably more attractive to investors than housing projects would be. It is doubtful if the financial success of the Port Authority is a sound precedent for housing undertakings at the price proposed for New York City.

But even if the estimates of the City Affairs Committee are over-optimistic, we are indebted to it for calling attention again to the necessities of low-wage earners and the importance of providing accommodations for them which existing methods cannot supply. Wage levels and construction costs being what they are, municipal housing projected on a self-supporting basis will not alone furnish the relief needed. A more fundamental attack must be made. The question is not so simple nor the solution so easy as the City Affairs Committee believes. Rectification of past mistakes usually costs money.

HEADLINES

A state police force to suppress major crime and to regulate traffic but not to enforce the prohibition laws is proposed in Missouri and comes up for action at this session of the legislature.

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An emergency deficiency bill is before the Utah legislature for the first time in the history of the state. The state board of examiners has called a halt on further over-appropriations.

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Citizens of Penn Yan, New York, believe in Santa Claus. They all received a Christmas present this year when the municipally-owned power plant sent each consumer a receipted bill for electric current for December.

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Chicago's financial troubles are far from ended. The board of tax review announces that it intends to cut all county real estate assessments from ten to fifteen per cent because of "obvious decline in property value during the past year." Since the budget did not take this into account, the sailing looks rough.

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Reapportionment is a serious issue this year in states whose boundaries include large cities. Governor Emmerson of Illinois recommends reapportionment to give Chicago a "fair break," and Lieutenant Governor Dickinson of Michigan urges the senate to settle the question without delay.

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Mayor Curley of Boston announces provision for a trust fund which will eventually reach $26,112,000 and will assure the city an annual gift of $1,250,000 for the public welfare department.

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A record budget for $96,000,000 for operating the public schools of Chicago during 1931 is drawn up by the board of education.

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Deficits appear to be the order of the day. Chicago's will reach nearly $73,000,000; Detroit's will exceed $21,000,000; and Philadelphia's will be approximately $10,000,000.

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A vigorous campaign is being conducted in Illinois in behalf of legislation to permit all cities and villages in that state to adopt the city manager plan upon popular referendum.

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General revision of the tax laws of Georgia, submission of a constitutional amendment authorizing the classification of property for tax purposes, the enactment of an executive budget act and the creation of a permanent tax commission are among recommendations in the report of Dr. H. L. Lutz, who has just completed a survey of the financial system of Georgia.

Iowa is seeking new sources of revenue to cut down the burden on the state property tax. Among proposed measures are a fifty per cent increase of the cigarette tax rate, a personal income tax, a corporation franchise tax and a billboard tax.

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A proposed amendment to the state constitution of Texas providing for county home rule has been submitted to the Texas legislature.

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Asheville, North Carolina, put all its money in a bank, and the bank closed its doors. Colonel Sherrill in a recent speech there urged city-county-school consolidation under the manager plan and a loan from the state as the only way out.

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Adoption of income tax for Michigan is recommended by the state commission of inquiry into taxation in a report prepared for Governor Grant and the 1931 legislature.

* * *

Rich property owners of Miami Beach, Florida, have launched a campaign to rid the city of gambling resorts, threatening to withdraw millions in investments if their protests go unheeded.

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Supervisors of Westchester County, New York, have been collecting in fees anywhere from $5,000 to $25,000 a year, the townships nearest New York City producing the highest emoluments. The board now urges passage of a law putting all supervisors on a fixed salary of approximately $7,500.

* * *

State control over the government of Fall River, Massachusetts, is provided in a bill introduced in the state legislature and sponsored by Fall River business and industrial leaders. The measure would vest in the governor the power to appoint a board of finance of three members to supervise the financial affairs of the city and to select its fiduciary officers. The governor would have authority to remove any employee of the city with the advice and consent of the executive council on request of the board.

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Reapportionment of California's congressional and assembly districts on the basis of population is provided in a bill introduced in the state legislature by Assemblyman West of Sacramento. The West bill gives Los Angeles six of the nine congressmen, and Los Angeles would gain nine additional assemblymen.

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Permanent registration for Kansas City, Missouri, will probably be provided at this session of the Missouri legislature. A bill on this subject has been drafted by the Board of Election Commissioners of Kansas City and the Kansas City Public Service Institute.

* * *

Reorganization of the government of Jackson County, Missouri, is provided in a bill before the state legislature. Elimination of several elective officers and the consolidation of several departments is included.

HOWARD P. JONES.

ITEMS IN N. M. L. PROGRAM BEING CONSIDERED BY STATE LEGISLATURES

BY EDNA TRULL

Municipal Administration Service

PRACTICALLY all the legislatures are meeting this winter and readers of the REVIEW may be interested in knowing something of the extent to which certain planks in the platform of the N. M. L. are being considered by statute law makers. The following brief survey is suggestive rather than comprehensive. Doubtless many other measures of similar nature are being introduced of which we have no information at the time of going to press.

STATE REORGANIZATION

The movement for state reorganization with consolidation of administrative agencies is still moving along. The Brookings Institution made a survey of the government of North Carolina which has become the basis of Governor Gardner's proposal for a general program of integration with a short ballot and centralized administration. Maine and Arkansas will act on the proposals made in last year's survey by the National Institute of Public Administration. Missouri is to consider a bill proposing a survey of its administrative organization and making an appropriation for the study. Success is predicted there for the constitutional amendment shortening the state ballot to two elective officials. In California bills on administrative consolidation and general constitutional revision have been introduced. The New Jersey legislature is confronted with more than a score of measures, introduced by the so-called Abell Commission, which if passed will reorganize the state's administrative structure to a limited degree. The comprehensive recommendations in the survey and report conducted by the National Institute of Public Administration in 1929 have not as yet received the attention from the New Jersey legislators which their merit deserves.

COUNTY MANAGEMENT

The impetus towards reform has reached county government. In Ohio and Texas so much general criticism has been directed against the county that groups of citizens have met to urge and formulate legislation giving general home rule authority to counties. In Ohio the bill proposed that counties or rural municipalities might upon affirmative vote of a majority of electors create charter commissions whose work will be effective upon approval by the voters concerned. No single form of government is specified, but the manager plan is one of the alternatives suggested. The same kind of home rule amendment is proposed for the Texas constitution in relation to the larger counties. The Oklahoma legislature has before it a proposal for county home rule. North Carolina considers that county government can best be improved and financial distress relieved by the consolidation of counties or of county and city. In one of these combinations, that of Buncombe County and city of Asheville, the proposal is that the new government be under a single manager.

The California commission on county

home rule has delivered its recommendations to the legislature. In Delaware there is some agitation for a simplification of county government, but its proponents are not optimistic about action this year. Legislators in Montana are advocating improved local government and directing their energies particularly to the manager plan for counties. A measure to the same end is being prepared in Florida. Jackson County (Kansas City) is presenting to the Missouri legislature a plan for its reorganization, with consolidation of departments, a short ballot and model budget provisions (but not a county manager). The question of improving local government is receiving some attention in New York, and may result in the authorization of a commission to recommend changes.

CENTRAL PURCHASE

In the realm of finance, centralized purchasing is a prominent issue. Maine, New Jersey, North Carolina and Rhode Island legislatures are to decide whether or not they want to establish agencies for this purpose. The Rhode Island expectation is that this will lead to a centralized system of expenditure and accounting. The bonded indebtedness of local units in North Carolina and Rhode Island has aroused sufficient concern to cause consideration of more exact limitations upon bond issues under strict supervision by state agencies.

CITY MANAGER CHARTERS

City manager charters are being presented to their respective state legislatures by St. Petersburg, Florida, and Waterbury, Connecticut. Waterbury, fearing failure of its manager plan but realizing the trend toward better government, proposes an alternative which embodies many of the administrative advantages of that plan. Wilmington, Delaware, does not ask so much but hopes at least to achieve authority to centralize its accounting procedure. In Rhode Island the town of Warwick is aspiring to the degree of home rule afforded by incorporation under a charter.

ELECTIONS

The Model Election Administration System proposed last summer by the National Municipal League has already influenced concrete legislative proposals. Washington has used this with special emphasis on permanent registration. Kansas City is hoping to have the Missouri legislature authorize permanent registration there. An Illinois commission on election laws has been working on a report which includes legislation for this session. The New York legislature will consider measures for improving its election laws. In Pennsylvania an Election Law Reforms Conference, composed of delegates from a number of important organizations, is preparing an election code with constitutional amendments and the necessary laws.

Governor Roosevelt of New York asks the passage of bills organizing machinery for state referendum on amendments to the federal constitution, and a limited popular initiative of amendments to the state constitution.

The National Municipal League is proud to have played its part in the movements in which the foregoing legislation marks definite progress. Not all of the measures will prevail and some which will succeed in the legislature will fall short of perfection. Nevertheless, they should bring a bit of cheer to all those interested in the attainment of more effective government.

ADMINISTRATIVE REORGANIZATION IN CINCINNATI

BY EMMETT L. BENNETT

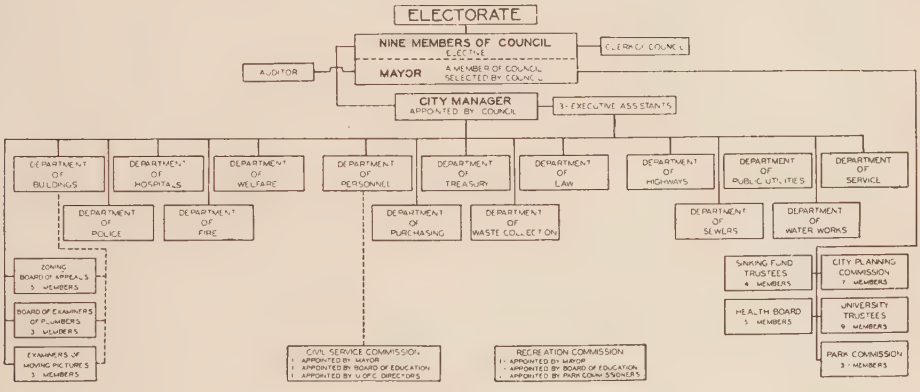
University of Cincinnati

Cincinnati's new administrative code is a marvel in simplicity. Number of departments is reduced to four, with five independent non-departmental staff offices. Power is vested in manager to organize subdivisions and bureaus. :: :: :: :: :: :: ::

THE Cincinnati city charter provides agencies independent of the city manager for the conduct and management of city parks, public health work, public recreation, and the University of Cincinnati, as well as the city auditor and a few minor functions besides. It provides that the city manager shall appoint a city solicitor; a city treasurer; a superintendent of water works; a superintendent of hospitals; a director of public utilities, whose principal functions under the charter are regulatory rather than operative; and a personnel officer, who serves also as secretary of the civil service commission. The charter also required, at its adoption in 1926, the provision shortly thereafter of "an administrative code providing for a complete plan of administrative organization of the city government."

FIFTEEN DEPARTMENTS UNDER FIRST MANAGER

Pursuant to this provision, the council early in Colonel C. O. Sherrill's administration enacted an administrative code embodying an organization suggested by the manager. It erected fifteen departments whose designations appear in the accompanying chart, which is taken from the last number of *Municipal Activities* issued by Colonel Sherrill. Most of the titles express the scope of their departments well enough to require no catalogue. The department of service was in



ORGANIZATION OF CINCINNATI'S GOVERNMENT DURING COLONEL SHERRILL'S ADMINISTRATION

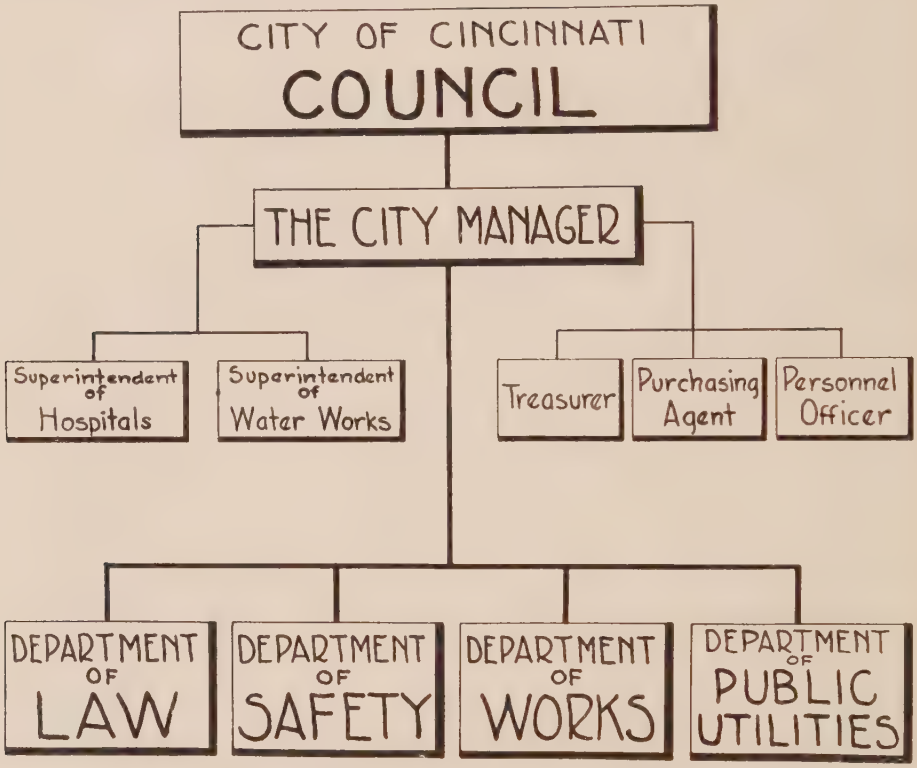
charge, however, of the city garage, the city workhouse, city hall, wharves and docks, the municipal airport, markets, weights and measures, and perhaps some other activities.

The three executive assistants to the manager were not mentioned in the administrative code, and in theory had no powers in their own right. Each aided the manager in the handling of the mass of detail which came from departments to the manager's office.

When C. A. Dykstra became city manager of Cincinnati in June, 1930, he made no immediate move to change his predecessor's organization plan. The death in September of one of the executive assistants left a vacancy which was not filled. Early in November, however, Mr. Dykstra presented to council, and council duly passed an ordinance which in form repealed the prior administrative code *in toto*, and enacted in its stead a new code.

NINE MAJOR UNITS UNDER NEW CODE

The plan of organization embodied in the new code reduces the number of major organizations under the city manager to nine, of which only four are designated as departments. The other five are referred to each by the title of the officer at the head, that being fixed by charter in four cases. The organization appears in the accompanying chart which was prepared for the use of the council in considering the new code.



PRESENT ORGANIZATION OF CINCINNATI'S GOVERNMENT

The department of law suffered no

changes. The department of public utilities was given a few new functions, namely, traffic engineering, traffic lights, and the management of the airport.

Into the newly created department of public works were placed functions of the prior departments of sewers, of highways, and of waste collection, and from the old department of service, wharves, docks, and city hall. The code does not establish any divisions or bureaus within this department.

The newly created department of safety includes a formally established division of buildings, succeeding to the duties of the prior department of buildings; a formally established division of welfare, succeeding to the duties of the prior department of welfare, and taking over the workhouse from the former department of service; a police force and a fire force, established as such but not as formal divisions or bureaus; and the inspection of weights and measures, taken over from the former department of service.

The treasury, the purchasing office, the personnel officer, the water works, and the hospitals, were changed in matters of terminology and status, they being no longer rated and named as departments.

The new code authorizes the manager to organize divisions, bureaus, etc., within the departments and offices created by the code as the needs of the service require, and to assign duties and functions not specifically assigned by the code.

Neither the new code nor the old includes provisions as to procedure and certain other matters normally found in administrative codes, for the reason that the amendment of most of the matter included requires a vote of seven-ninths of the council. It has been considered wise in the circumstances not to place in the administrative code matters which require only a majority vote. Neither Mr. Dykstra nor the council professes that this is the last word in administrative organization and administrative code making. The charter control fixed certain features so firmly as to render pointless any consideration of the effects of changing them. By the condensation of eight departments into two, the manager expects to be able to secure a more wieldy organization, to free himself of a mass of detail, and to achieve a measure of coördination difficult to attain with a greater number of independent departments.

IRREGULARITIES IN CUSTODY OF STATE FUNDS IN MISSOURI

BY MARTIN L. FAUST
University of Missouri

Failure of a county bank holding state deposits reveals irregular practices for which the state treasurer denies responsibility. Governor's suspension of treasurer as provided by law declared unconstitutional. Weaknesses in Missouri's treasury system. :: :: :: ::

If there is one office in the long list of elective state offices where the principle of popular election has been thoroughly discredited, it is without question the office of state treasurer. An investigation by the writer in 1924 revealed that misfeasance in the treasurer's office was an almost chronic condition in many of our state governments.[1] In the handling of state funds by the official custodians, personal integrity and rugged honesty, not to mention genuine competence and good judgment, were found to be the exception and not the rule.

BANK FAILURE LIFTS THE LID

The state of Missouri furnishes the most recent example of political financiering in the handling of public deposits. Lifting the lid on the state treasurer's office has been the result largely of certain bank failures and the acts of a courageous and conscientious governor. On October 14, 1930, Governor Henry S. Caufield issued a formal proclamation suspending from office State Treasurer Larry Brunk.[2] The governor found a legal basis for his action in statutory provisions which require such suspension, if the treasurer makes false statements in his monthly reports to the governor, or makes deposits and withdrawals of the state's funds in a manner not provided by law.[3]

The specific malpractices of the treasurer center around his dealings with the Bank of Aurora, his hometown bank. This country bank closed its doors in June, 1930. The examiners' report showed that the defunct bank held $23,011.05 in notes signed by Treasurer Brunk; that it also had on deposit about $273,000 in state funds. The auditors' report revealed and the governor's formal notice charged that the Bank of Aurora for the period of January 1, 1929 to May 30, 1930 failed to remit to the state $4,903.01 of interest due the state; that the Bank of Aurora retained and converted to its own use a part of this amount, depositing the balance of $2,950 in a special account known as the Brunk rent account; that against the latter account various amounts were charged which were used to pay debts owed the Bank of Aurora by Treasurer Brunk.

TREASURER PASSES THE BUCK

The state treasurer in reply to the governor's charges issued a formal statement asserting his innocence and declaring a lack of knowledge of the

[1] Martin L. Faust, *The Custody of State Funds*, National Institute of Public Administration, 1925.

[2] St. Louis *Post-Dispatch*, October 15, 1930.

[3] Section 13,337, Revised Statutes of Missouri, 1919.

transactions cited by the governor. He cited that the state fund board composed of the governor, treasurer, and attorney-general determined and supervised the deposit of state funds in the Aurora bank; that the inaccuracies in interest payments were due to the errors of his chief clerk who failed to make proper mathematical calculations of interest receipts; that the creation and existence of the "Brunk Rent Account" in the Bank of Aurora were entirely unknown to him, and, therefore, he could not be a party to any conversion of interest funds unremitted.[1] The treasurer's statement was simply the old political game of passing the buck.

In suspending Treasurer Brunk, the governor directed the attorney-general to institute *quo warranto* proceedings in the supreme court to oust Brunk from office. In reply to the ouster proceedings, Brunk's attorneys attacked the constitutionality of the law upon which both the suspension and the ouster proceedings were based, contending that impeachment by the legislature is the only legal means of removing from office a constitutional elective officer, such as the state treasurer. The answer of the attorney-general to the constitutional question was that the Missouri constitution, being one of limitations upon the legislative power, does not forbid the legislature from passing a law providing means for removal of the state treasurer for cause.

COURT DENIES SUSPENSION POWER TO THE GOVERNOR

In a decision handed down on December 31, the Missouri Supreme Court overturned the suspension order of Governor Caufield and held unconstitutional the statute which purported to give the governor the removal power.[2] All the judges concurred in the opinion, except the chief justice, who was absent in Florida. The opinion pointed out that the state treasurer's office was created by the constitution, which fixed his term of office, and provided that the treasurer was subject to impeachment; that the provision of the constitution, enumerating the causes for which the state treasurer may be impeached, namely, for high crimes and misdemeanors, or official misconduct or oppression, was an implied prohibition against legislation providing for his removal for any other causes or in any other manner. The practical effects of this decision were to bring about the immediate reinstatement of Treasurer Brunk, to prevent a consideration of the case on its merits, and to deny to the governor responsibility for the conduct of elective state officials and their subordinates. The legislature convened January 7. Further action in the matter now rests with that body.

BAD FEATURES OF PRESENT SYSTEM

That the present system of handling the public funds of the state of Missouri is seriously defective in many particulars is plainly evident from the Brunk incident. Integrity and administrative capacity cannot be created in public officials by passing laws. But present objectionable conditions and obvious defects can be materially improved by making mandatory certain changes. A summary of the worst features of the system may prove of interest, since these are in fact illustrative of conditions only too widely prevalent in our state governments.

In the first place, the salary of the state treasurer of Missouri is inadequate, and his office is tied up with too many other official duties entirely foreign to the main functions of his office.

[1] St. Louis *Post-Dispatch*, October 19, 1930.

[2] St. Louis *Post-Dispatch*, January 1, 1931.

In Missouri, for example, the office pays a salary of $3,000 per annum; in addition, the treasurer receives $1,200 per annum as a member of the board of permanent seat of state government; $250 per annum as a member of the state fund commission; five dollars per day as a member of the board of equalization (that is for every day the board is in session). The treasurer is also a member of the public printing commission. Managing the property of the state located at Jefferson City, equalizing assessments, and supervising public printing are duties hardly germane to the office of state treasurer.

The office of state treasurer, in the second place, is established on a basis which is fundamentally unsound. In Missouri, as in other states, the state treasurer is a constitutional elective officer. As the recent Missouri decision strikingly demonstrates, this constitutional status removes him from effective control either by the governor or by the legislature. The impeachment process is a too cumbersome device to be practically effective. State treasurers can hide behind their constitutional status, and thus evade supervision and responsibility in the conduct of their office. The Missouri legislature of more than half a century ago had the right idea when they sought to bring the office of the state treasurer under the continuous supervision of the governor. As long as the state treasurer is an elective officer, his office will be in politics, and political considerations will be a decisive factor in the distribution of the public deposits.

HUGE DEPOSITS IN OBSCURE BANKS

When we turn to the details of the state depository law, we find numerous defects that are potential sources of serious abuses in the handling of the public funds. For example, under the present law, the amount of state funds placed in any one bank does not necessarily bear any relation to the capital and surplus of the particular bank. It is a fundamentally unsound and vicious system that permits the pouring of hundreds of thousands of dollars of state funds into obscure banks, simply because those banks can pledge collateral that satisfy the legal requirements. A few citations here may be in order. The following statistics on the state deposits of specific banks together with the capital and surplus of the banks are taken from the state treasurer's report of 1928 and the report of the commissioner of finance of 1926, respectively:

Bank of Argyle	
Capital and surplus	$21,500
State deposit	100,000
Bank of Aurora	
Capital and surplus	75,000
State deposit	234,442
Nevada Trust Co.	
Capital and surplus	58,000
State deposit	350,000

Similar situations equally as bad might be cited. Political banking can readily flourish when state funds are apportioned without reference to the capital and surplus of the bank depositories. The notorious Len Small scandal of Illinois was a by-product of just such a system. The Bank of Charleston at Charleston, Missouri, in January of last year, had to close its doors, because it could not pay a state check of $300,000, although the bank had seven months' notice. The state deposit was approximately one-half of the total deposits of the bank. The bank had a capital of $100,000 and a surplus of $50,000. As a legislator once remarked, putting huge state deposits into a small bank with a limited capital and surplus "looks too much like putting a $100 saddle on a $20 horse."

SECURITY REQUIREMENTS INADEQUATE

The Missouri law is also singularly weak in the matter of the security requirement. It is possibly an unfortunate commentary upon our systems of state government that the state requires its own banks to deposit collateral to protect the state deposits, although individual depositors are not afforded such protection, but must take a chance on the effectiveness of state banking supervision. From the standpoint of the safety of the state funds, experience certainly warrants the security requirement. The pledging of real estate mortgages and the use of personal surety bonds are objectionable features of the Missouri system. State and federal government bonds and bonds of reputable surety companies are a much more satisfactory guarantee for the safekeeping of public moneys. Furthermore, they reduce the administrative task to a minimum. Reputable surety companies also exercise a rather close supervision over the banks bonded, thus affording an additional safeguard to the state.

Missouri is one of a number of states using a system of competitive bidding for the distribution of the state deposits. While such a system is entirely sound in principle, it does require extra vigilance in order that the state moneys do not fall into the hands of highly speculative banking institutions. Bidding should be restricted to high-class banking institutions, successful bidders should not be allotted funds out of proportion to their capital and surplus, and collateral should be restricted to high-class bonds or corporate surety bonds. The Missouri system fails in all these particulars.

In conclusion, it may be desirable to mention other features that might improve the handling of the state's cash and save thousands of dollars to the state annually. Better synchronization of receipts and disbursements and more careful timing of bond issues would tend to reduce to a minimum the large cash balances, which after all are an expense to the state. The development of a forecasting system, greater use of time deposits, investment of surplus cash in short-term notes, and watching more closely the money market might all effect great economies in treasury management.

A particularly bad feature of the Missouri system is the special fund system. The state maintains more than fifty special funds. Such a segregation of cash renders the treasury completely immobile, and necessitates the carrying of large amounts of surplus cash that might otherwise be put to more effective use. Adequate publicity and effective accounting control are additional weak spots. The Brunk incident abundantly testifies that these two elements are lacking under the present régime.

WHY NOT A TAX DISARMAMENT CONFERENCE?

BY C. A. CROSSER

Secretary, Des Moines Bureau of Municipal Research

The time has come to organize the tax reduction advocates. Tax spenders have received too much attention. :: :: :: ::

WHY not call a national conference for the limitation of local and state taxes as the London Naval Conference agreed to limit naval armaments?

Do not the same general principles apply? Nations' armaments increase by competition with one another. Local and state taxes are boosted in much the same way when one taxing subdivision adds services because others are doing so.

Was not one reason for the London Naval Conference the desire of the taxpayers for relief? Is not the complaint heard all over this nation that local taxes are becoming an intolerable burden?

The calling of such a conference might be under the highest auspices, possibly the United States Chamber of Commerce, the Conference of Governors, the National Municipal League or possibly the President who displays such a keen interest in economic conditions. Such gathering should include as delegates not only public officials who spend the tax money but also a representation of property-owners who pay taxes, thus bringing together the two paramount interests in the tax problem. Here and there spasmodic efforts have been made to hold down taxes through the introduction of governmental economies, but a tangible nation-wide result can only be attained by a nation-wide understanding.

The farmer makes a good case as to the burden of taxes on his income. The business man and industrialist can also make a showing as to how taxes are eating up profits and diverting into governmental channels sums which they might use for business expansion. The average white-collar worker is beginning to doubt the old dictum about its being cheaper to own a home than to rent, with the result that he is moving into apartments and paying a smaller volume of taxes through his rent than if he owned a house and lot and carried heavy general and special assessment taxes. Will the new census show a decline in home ownership, and are high taxes one of the influencing factors?

DO CONSTITUENTS DEMAND EXPENSIVE SERVICES?

The stock argument by public officials advocating higher taxes for enlarged public works or services is, "Our constituents demand it." It may be granted that the American taxpayer is a Dr. Jekyll and Mr. Hyde when it comes to taxes. He is Dr. Jekyll in his amiable acquiescence to new improvements, but Mr. Hyde in his denunciation of public officials when he gets his tax bill. The reason for his appearance in these two different personalities is that his limited information does not give him the facts with which to weigh his conclusions.

What are some of the factors working for increasing taxation?

The most obvious is the expenditure

increase resulting from population growth. More pupils mean more teachers and a larger school cost. More dwellings require additional fire stations to protect them. To some extent these increases are unavoidable. But if the community wealth or income kept pace with the tax increase, the individual tax burden would not be much affected by population growth. Whereas frequently in industry, the larger the volume of production the smaller is the unit cost, in public operations, the larger the city, the higher is the per capita cost; probably because the bigger the city, the more frills are added to public services.

TOO MUCH ENTHUSIASM

Another factor boosting taxes, is the constant enlarging of public services. What were considered outside the realm of legitimate governmental operations a generation ago, are now considered worthy of tax support. But where do many of these governmental elaborations come from? Many originate with educational, recreational and sociological enthusiasts whose vision of the ideal city may be broader than the community's pocket-book. These enthusiasts usually start by stating that such and such neighboring city has a certain public improvement or service, therefore, we ought to have it. And so these ideas spread like wildfire from community to community. But when one expresses a timid doubt regarding the necessity for such and such a project because of the expense, these boosters argue, "The public demands it," when as a matter of fact, they themselves originated the scheme and created this "demand" by the public. It comes back to the old principle that anyone can be convinced of the desirability of owning a mansion with servants, if he doesn't have to consider the source of the money to pay for it.

Further tax boosting influences emanate from the frequent "per capita" or "model" standards. Certain national groups particularly in the fields of education, recreation, health or sociology have set up "per capita" targets toward which they assert every city in a certain population group should aim. Then these enthusiasts return home from their national gatherings, and if they find that their city spends less per capita for such particular public service, they make it their business to see that it soon attains such standard. The estimate of such per capita units is usually based on expenditures in those communities which afford the very highest quality and quantity of the particular public service. Thus, irrespective of local peculiarities and economic conditions, the tendency is to push all cities to an advanced spending level. "Model" health departments, park systems and the like are promulgated in the same way. If any one community were to adopt all these various "models" and "per capitas," it would probably double its present tax rate. However these "models" and "per capitas" do offer an inestimable benefit as eventual attainments when communities can afford them.

The foregoing must not be confused with certain other measuring-sticks of public administration which are now being worked out and which are of a different category, and really result in economy and tax saving. These are the standards of public service which are being formulated under the auspices of the National Municipal League, the International City Managers' Association and others. These particular measuring-sticks of public administration emphasize work to be accomplished at the lowest reasonable unit cost. It is obvious that such practices as efficient public purchasing, budget

control, simplified record keeping constitute sound standards of economical and efficient public service.

BENEFITS FROM PUBLIC SERVICES

Many public services, particularly education and recreation, have been invested with a glamour which makes criticism of them a matter of heresy. Public services in themselves bring no benefits except as they add to the well-being of the individual citizens in the community. There may be a point after which their development really constitutes a detriment to the average citizen when the price he has to pay for them is considered.

Local assessments for street widenings and other elaborate highway improvements are all predicated upon an inevitable increase in the values of adjoining or abutting property. Yet there are numerous instances where the constant piling up of local improvements has actually wrung all market value out of the real estate they were supposed to benefit.

Among other over-stressed appeals is the frequent argument that by supporting an elaborate park, public hospital, or recreational program, for example, the expenses of police departments, penal and other poor relief activities will be reduced. But the fact remains that such off-setting economies rarely materialize as a tangible relief to taxpayers.

It may be granted that there are no theoretical limits to the scope of education or its attending benefits. We might set up the goal of "a Ph.D. for every child." Junior colleges, multitudinous courses in elementary and high schools and universities, are among educational features not dreamed of a generation ago. It is only a step to senior colleges in every large community. At the same time the taxes for education are a never-receding flood rising with the tacit consent of an indulgent public. But irrespective of the theoretical benefits of education, there is a real limit in the ability of the people to pay for it.

In short, have not many of these real or fancied benefits from public services reached a point where their supporting is beginning to or will soon reduce the economic well-being of the average American family. Particularly in view of the economic depression of the past year which will be reflected in tax payments for the next year or two may it not be timely at least to analyze the matter. Incidentally with respect to business depression, it appears to be a fact that while private enterprises and consequently families, may be compelled to make reductions in overhead expense during hard times, governmental services both national, state and local apparently are the most difficult to force into similar reductions. Once taxes supporting public operations are pushed up to a certain point, it is next to impossible ever to bring them down.

WHAT A TAX DISARMAMENT CONFERENCE MIGHT DISCOVER

Obviously it is improbable that definite standards can be worked out at one conference but discussion might at least be focussed on some of the following points with the expectation that in a few years certain tangible standards may be formulated.

1. Limitation of taxes. What is a reasonable limit of taxes on the market value of realty which, in this country, bears the largest share of taxation? Tax rates on city real estate now average between two and three per cent of market values. Should they be limited to this ratio or can they be safely raised to four and five per cent, a point which they will reach in a few years unless checked.

2. What are the measuring-sticks by which a community's wealth and income can be gauged as an index as to the amount of taxes that can be safely levied? A long step toward casting light on the tax problem might be achieved if it were only possible to determine the aggregate of community wealth and income for any city. Such information is not now readily available and the best one can do is to trace certain factors indicating the year by year status of community assets, such as assessed valuations, bank debits, value of new building operations and industrial payrolls. When taxpayers argue with public officials that taxes ought not to be increased because the assessed valuations of realty and personalty have not been raised over the previous year, those advocating higher taxes for additional public services retort that the community has much unassessed wealth which if reached would permit reduction in taxes on realty.

3. Limitation of public services. Anyone familiar with governmental operations knows how year by year new public activities are elaborated or new ones added. But are there any reasonable limits to public services, particularly as related to the community's ability to pay for them.

What is a reasonable limit to public education? To what extent should our state universities provide special courses or colleges in every conceivable line largely because heavily endowed private institutions have them. How far are we from providing complete courses for adult instruction in our public schools?

How far should communities go in the matter of public operation of what are now considered within the province of private business such as coal and ice yards, gasoline distribution or even the selling of provisions such as was done in some places during war time. In the last generation we have seen cities go into the business of selling water, and to a lesser extent, electric light and power manufacture and distribution and street railroad transportation with some notable successes and many notable failures.

What is the reasonable limitation to the furnishing of recreational facilities, parks, playgrounds, natatoriums, auditoriums, zoölogical gardens, municipal bands and orchestras and the like?

Public contributions to poor relief and other humanitarian enterprises have been increasing by leaps and bounds in the past few years. We now have firemen's, policemen's, teachers', blind and widows' pensions in many states. We are not far from old age pensions, with all that implies in the way of additional expense. To what extent should cities provide free medical service through large hospitals and clinics? In this phase of tax supported public services, do we not face the possibility of actually impoverishing the many for the sake of a smaller group of unfortunates?

TWO VIEWPOINTS

During the summer months the newspapers and periodicals are filled with the doings of the national gatherings of the various organizations which are immediately concerned with the spending of public funds. All such groups emphasize the spending interest, or elaborate this or that type of public service.

A gathering such as here suggested would at least give expression to the contrasting viewpoint which emphasizes tax conservation and tax reduction.

"ROTTEN BOROUGH" REPRESENTATION IN OHIO

BY F. R. AUMANN
Ohio State University

The vanishing farmer maintains his grip on Ohio politics.

SINCE the World War the movement cityward has gone forward steadily in Ohio. The 1930 census indicates the increasing scope of this movement. In that report, all of the "big city" counties registered gains. On the other hand, the counties which are rural in character suffered a considerable setback in the matter of population. This is not strange when one considers some of the trends of recent years. From 1920 to 1930 no less than 37,036 farms went out of existence in this state. This is 14.4 per cent of the total number of farms.[1] In consequence the number of persons engaged in agriculture and the number of persons engaged in commercial activities in small trading centers, dependent on the farm population, have become smaller.

FARMERS DECREASE IN NUMBERS BUT MAINTAIN POLITICAL STRENGTH

Despite losses in numbers there seems to be no measurable diminution in the political strength of the farm element. Since the pioneer days of the state with its strictly agricultural economy, this interest-group has maintained a very considerable influence in Ohio politics. From time to time, as political dynasties arose and fell, the leadership of the dominant party may have shifted from the rural areas to some urban group, but even then when a final vote was taken on some real or fancied issue between the groups, the preponderant vote of the rural regions in the legislature could not be overridden. No important party action could be taken if the "cornstalk" element was unfavorable.

When we speak of the "cornstalk" element it is not to be supposed that the strictly "dirt-farmer" group is referred to. Such a classification would be too narrow. The "dirt-farmer" group is but an integral part of a larger class who represent the rural counties of Ohio. They are by no means all farmers. As a matter of fact, many of them have economic and social interests which in some instances conflict with those of the farmer.[2] On the whole, however, a strong bond of mutual interest among representatives of this group, coupled with a strong antagonism towards the city delegates, enables the group to present a strong front in the legislature on many important measures.

[1] Various reasons are advanced for this decrease. It is pointed out that farms have been combined as machinery has been introduced and less workmen have been required. Then, too, land adjoining cities has been subdivided; some of the poorer marginal land has been permitted to lapse back into nonproductivity, or diverted to some reforestation project, etc. Golf courses have also taken their toll.

[2] The leader of this group during the last session of the legislature was a small-town lawyer, while the speaker of the house was a small-town banker who despite a traditional taboo against it had been elected for a third term partially at least, because his opponent was a representative from the largest city in the state.

BASIS OF REPRESENTATION ONE SOURCE OF FARMERS' STRENGTH

One might very well wonder how rural political strength is maintained in the face of the tremendous changes which have followed the industrialization of Ohio. Any attempt to answer this question would involve a number of considerations not the least of which are the constitutional provisions fixing the basis of representation in the Ohio General Assembly. By means of these provisions the rural groups through a system of "rotten borough" representation maintain a political strength quite disproportionate to their actual numerical strength.

A glance at the Ohio constitution becomes of interest at this point. By the terms of this instrument a general assembly made up of a house of representatives and a senate constitutes the legislative body of the state. Representation in the house of representatives rests partly on the territorial principle; each county in the state being entitled to one representative regardless of its population. Any additional representation, however, is based on population. Such representation is fixed by a rather complicated system of apportionment.

Following every federal census the governor, auditor and secretary of state make a reapportionment, which is to apply for the next five biennial sessions. The total population of the state as revealed by the census is divided by the number "one hundred" and the quotient is the ratio of representation in the house of representatives for the next ten years. If a county has three-fourths over the ratio thus determined it receives an additional representative. If it contains three times this ratio, it is entitled to three representatives, and so on. After the first two representatives, an entire ratio is required for each additional representative granted.

However, if a county has a fraction over the ratio, which multiplied by five equals a ratio, it receives an additional representative at one session of the decennial period; if the fraction multiplied by five equals two ratios the county receives an additional representative at two sessions; if the product equals three ratios, at three sessions; and if four ratios, at four sessions.[1] This system of representation permits a changing number of legislators from session to session.[2]

SENATORIAL RATIO

In determining the ratio for a senator the whole population of the state is divided by the number thirty-five. The state is divided into thirty-four districts, but a district having less than three-fourths of a ratio is annexed to another district, twelve being at present so annexed. A county acquiring a full senatorial ratio may

[1] The total amount of members for the sessions, 1923–1931, inclusive, was 130, 130, 136, 133, and 128, respectively, for the house, and 35, 35, 37, 31, and 32 for the senate. Senatorial districts may be combined if the census shows that one has less than its required share of the population. Following the 1920 census, the senatorial districts were so combined that for the ensuing decade the senators allotted to each session were elected from 21 larger districts.

[2] For example, Franklin County will have four representatives in the legislature in 1931; five in 1933; five in 1935; six in 1937; six in 1939; and five in 1941. The total population of the state under the new census, divided by 100, places the basic figure for the next ten years at 66,459. Dividing the Franklin County population of 359,459 by this figure, the quotient is five and a fraction. This fraction is then multiplied by five, the number of legislative sessions in the decade, and the result is slightly more than two, so the county gets two extra representatives, one in 1935, and one in 1937. The four permitted for the next general assembly are allotted under the 1920 census.

separate from its district if a full senatorial ratio is left in the district. There are three such counties: Cuyahoga, Hamilton and Lucas. Additional senators are granted to districts according to the same rules as are applied to representatives.[1] This in general is the method of representation provided for by the Ohio law.

Now for a glance at its practical operation. On the basis of the 1930 census the unit of representation for the legislature during the decade commencing in 1933 will be approximately 66,450.[2] But because each county is guaranteed one representative, many legislators actually represent a much smaller number of people. For example, Vinton County, which has a population of 10,528 has one representative, as does Pike County, with a population of 13,871, and Morrow County with a population of 13,583.

SOME EXAMPLES

Some curious results can be obtained by juggling the population figures of the several counties. For example, Muskingum County, with the thriving city of Zanesville, has a population of 67,367 by the 1930 census. That is very nearly the exact unit of representation for the next decade. Consequently this county will have only one representative during this period, although it has six times as many inhabitants as Vinton County. Muskingum County's population of 67,367 is out-voted four to one by the 52,225 inhabitants of Morgan, Morrow, Pike and Vinton Counties, who have four votes. If Noble County, with its population of 15,057, is added to this group, we have a total population of 67,282 for the five counties. Although Muskingum County has 85 more people than the total population of these five counties, it is out-voted five to one.

These five counties, with their population of 67,282, will have voting power in the house equal to that of Franklin County with its population of 359,459. This population of 67,282 also votes equally with Lucas County's population of 347,749, and Summit County's population of 345,141. Not only that, but it has one more vote than has Montgomery County with a population of 273,193. If this population of 67,282 were concentrated in one county, it would have one representative. Under the present "rotten borough" system it has five.

Or take the case of Cuyahoga County. This county, which includes the city of Cleveland, has a population of 1,201,842. In the 1931 legislature it will have seventeen representatives and in the following five legislatures it will have eighteen. But fourteen small counties of the state, each with less than 20,000 inhabitants and a combined population of only 2,226,212, will have fourteen members of the legislature in 1931. Nearly six times as many people live in Cuyahoga County as inhabit these fourteen counties, but it has only three more representatives. This is no worse than Franklin County, however. Nineteen small counties with a population of only 327,430, will have nearly five times as many representatives as this county of 359,459 inhabitants.

When the basis of comparison is widened, the significance of this "rotten borough" condition becomes more apparent. For example, although 64 counties[3] with a total population of 1,781,282 have 64 votes in the lower house, the eleven largest counties[4] with a total population of 3,921,726 have

[1] See Art. XI, Ohio Constitution.

[2] For 1931, the representation is still based on the 1920 census, by which the unit is 57,594.

[3] None of which have more than 50,000 inhabitants.

[4] Each with more than 100,000 inhabitants.

only 28 votes. Although the census figures show a tremendous growth of population in the "big city" counties, and a marked decline in the 44 counties that constitute the bulk of the rural districts, nevertheless, the one-third of the population living in these rural regions, continues to out-vote the other two-thirds of the population in the legislature.

HOW LEGISLATION IS AFFECTED

Under the present system of territorial representation, population means virtually nothing, nor does comparative wealth of the counties, nor the amount of taxes they pay. The small counties by retaining a majority in the lower house, can pretty largely control the whole legislature. Entrenched in this fashion, they may prevent legislation which seems quite necessary to the cities, but which is of indifferent interest to the rural population; or they may push legislation through which will put the farmer in a favored position. They not only can, but on occasion do.

A perusal of the records of any session of the general assembly in recent years would produce numerous examples on this point.[1] For instance, during the last session of the legislature the Emmons Bill which would have established an independent department of conservation was in accord with recommendations of the Joint Committee on Economy in the Public Service. The organized sportsmen were also strongly in favor of establishing a separate department, thereby removing the fish and game division from the department of agriculture. The farm group, on the other hand, were determined that nothing should be done which should tend to dismember their department. When the final smoke had cleared away on this particular skirmish, a law was on the books which abolished the division of fish and game and created a division of conservation in the department of agriculture, an arrangement quite agreeable to the farm group.

The legislative history of the gasoline tax in Ohio demonstrates, perhaps better than anything else, the potential and actual strength of the farm group in a political way in this state. During the several debates on this subject it was argued with great vehemence that this legislation which was directly sponsored by the farm group, put the "man with the hoe" in a much better position than his brother in the city. An examination of the administration of this tax lends no little support to this contention. It must likewise be recognized, however, that this law was passed after a long period in which an undue burden of the expenditures required for highway improvement rested on the farmer and that the farm group simply exercised their political strength to relieve themselves of this undue burden.[2]

IS PRESENT SYSTEM SATISFACTORY?

One more question presents itself. Has the present system of apportionment in Ohio proved satisfactory? That question is not easily answered. The disproportionate features of the present system certainly have not

[1] For a discussion of this whole subject see Earl E. Warner, Law-making through Interest-Groups in Ohio: A Study of the Activities of the Ohio Chamber of Commerce, Ohio Farm Bureau, and Ohio State Federation of Labor in the 88th General Assembly. (Master's Thesis, Ohio State University, 1930.)

[2] Many other examples of power of the rural group in the legislative process might be cited. For example, a Bar Association proposal for the establishment of a new local court system was permitted to lapse because of the threatened opposition of the farm group. Other factors undoubtedly were involved but it may be safely assumed that the unfavorable attitude of the rural group was the decisive reason for its failure.

escaped criticism. In fact, there is a deep-seated discontent in many quarters with the present situation, which awaits a favorable opportunity to express itself. In 1929 it seemed for a time as if the matter would be brought to an issue. At the close of the Eighty-Eighth General Assembly, Senator George H. Bender of Cleveland launched a campaign to obtain 240,000 names for a referendum in November, 1929, to amend the state constitution so as to give cities greater representation in the Ohio legislature. The rural group rallied to the defense of their position under the leadership of Representative Dallas Sullivan of Union County, chairman of the powerful house highways committee. A finish battle was in sight, with both sides well organized and ready for the fray.

The matter was dropped, however, to clear the way for an important tax amendment which was before the people at the same election. As this proposed amendment modified the old uniform property tax which had been a sore spot for many years and the time was favorable for a change, the apportionment question was left for future consideration. There the matter has rested since, but as it is a question which will not down easily, it may bob up again before the 1931 General Assembly finishes it work. It is certain to receive attention when the next constitutional convention of the state is assembled. Since the constitution of 1912 provides that such a body shall be called every twenty years, the year 1932 may prove to be an important one for Ohio in this matter.

POOLING A REGION'S CREDIT

CONSOLIDATION OF MUNICIPAL BORROWING POWERS ON A REGIONAL SCALE

BY E. T. SAMPSON

Secretary-Treasurer, Montreal Metropolitan Commission and Member of British Institute of Municipal Treasurers

The Montreal Metropolitan Commission has fulfilled expectations. Mr. Sampson, writing on the basis of Canadian methods of debt administration, points out how the idea can be applied elsewhere

The success which has attended the financial operations of the Montreal Metropolitan Commission in providing capital funds for its component municipalities and a study of the new movement in British municipal circles for improved methods in capital financing and loan redemptions, induces me to set forth my ideas on this interesting subject. A striking analogy to be found in private company finance is the massing or mobilization of credits in a holding company for the use and benefit of its subsidiaries. Municipal finance is, however, further complicated by provision for the entire debt amortization. The dual purposes sought by consolidation of loans are:

1. Minimum charge for interest on loans.

2. Maximum economy in redemption operations together with greatest possible simplicity.

THEORY OF CONSOLIDATED BORROWING ADMINISTRATION

The theory underlying this delegation of power to a central authority is that it is more economical for one authority to borrow all the moneys required for the purposes of a group (or district) of municipalities than that two or more authorities in the area should compete with each other in such borrowing. Of equal, and perhaps of greater, import is the consolidation of the security offered against loan issues in the form of the entire assets and revenues, as well as the taxing power of the region and of its municipalities. By thus transferring to the regional authority the capital financing and the administration of all sinking funds, the accounting of the local municipal authorities is reduced to great simplicity, and the work of budget preparation and control becomes automatic and a matter of routine. The powers of the regional authority will be focussed upon one essential financial obligation or duty, viz., the provision of sufficient revenue by taxation (or otherwise) from the municipalities to meet:

1. Cost of the administration of the authority.
2. Loan charges—
   Interest on loans (from regional authority and others, if any), and sinking fund, installments, or debt redemption of loan moneys actually received by the municipalities.

By requiring from the borrowing municipality only that amount of sinking fund contribution that will be necessary to provide for the redemption at maturity of the actual amount of loan money received by it, a great improvement or simplification of the amortization process will be obtained.

At the present time, the rigid obligation contained in loan by-laws to provide annually an amount for the redemption of the loans specified in such by-laws causes a hardship upon such borrowing authority, when the full amount of the loan sanctioned has not been received, nor the capital expenditure fully incurred.

On the other hand, when capital expenditures have been incurred and temporarily provided out of reserves, tax revenues, or bank loans, in anticipation of a loan by-law, subsequently adopted and sanctioned, there is a period when such expenditures are without redemption charges, thus causing to that extent a misleading revenue or administration statement. Standardized classification of all expenditure throughout all the municipalities will provide a valuable means of comparison and control.

CONSOLIDATED LOANS FUND

By means of a consolidated loans fund the financing of all capital expenditures (regional and local) and the administration of the sinking funds will be reduced to the greatest possible simplicity and economy. The borrowing provisions of a consolidated fund should be clear, definite, and capable of ready assimilation. They should at least comprise the following elements—

1. All loans of whatever nature should be credited to one account.
2. This account to make advances to the various municipalities (or regional authority) incurring the expenditure, as and when required.
3. There should be one security for all loans which should rank equally and without priorities (pari passu), such security to be the whole property and assets, as well as the rate revenues, or other income of the regional and local authorities.
4. The rate of interest charged

against the various municipalities and the region and other purposes (if any) to which advances have been made should be the average rate of interest paid on all the loans of the regional authority treated as a whole.

LOANS ISSUED BY A REGIONAL AUTHORITY

Debenture Bonds.—Term bonds for long or medium periods will comprise a large part of the funded debt of the region. Registration facilities will add to their attractive features; this will also provide a convenient means of getting in touch with many of the bondholders.

Bills and Promissory Notes.—These forms of borrowing are usual for temporary loans issued pending the flotation of a bond issue. Whether it is better to offer these securities on the public market, or only to the bankers of the authority will be a matter for discretion and negotiation.

Deposit Certificates for Loans from Local Lenders.—Although as yet not greatly utilized in America these methods should prove most profitable for short-term loans. They will provide a supply of money at the lowest possible rates, and will also provide a profitable investment to local lenders. A publicity campaign amongst local brokers and notaries, and attractive advertising in the local newspapers, will probably secure the necessary supply. Enabling legislation should be sought for power to give to these certificates the same security or guarantee as a bond issued by the same authority.

Unspent Balances of Existing Loans —sinking fund accumulations, reserve funds, pension funds, temporary balances of the tax revenue or administration funds of the regional and local authorities.—It is in the utilization of these funds for new capital purposes that the greatest profit to the authorities will accrue. The rate of interest payable on the loans borrowed from the sinking fund will be determined by the rate of interest computed to be earned by the sinking fund in order to meet at maturity the loans in respect of which it has been set up. The rate of interest on the loans from reserve and other funds will be more or less arbitrary and subject to internal negotiation between the several interested authorities.

SINKING FUND ACCUMULATION

It is here appropriate to speak of this phase of the administration. The present system of crediting to the sinking fund of any loan—

1. The annual contribution as established by S. F. Table.

2. The actual revenue earned on the accumulations should be amended to credit:

1. The annual contribution as established by S. F. Table based on current interest rates.

2. Only that amount of revenue which is required to maintain the fund fully accumulated.

The sinking fund in respect of all loans will thus be revised annually.

The redemption contributions to be provided by the regional and municipal authorities should be based as far as possible on expenditures or advances actually made, and not on loans authorized (irrespective) of disbursements. There will be no difficulty in this if unspent balances of funded indebtedness are avoided, and this will be much facilitated by the employment of temporary loans, sinking fund moneys and reserves of all sorts.

APPORTIONMENT OF INTEREST AND EXPENSES

Profits and Losses.—A general interest account will be opened to which all interest payable shall be charged and

all interest receivable credited, such extra charges and credits arising out of purchase and sale of foreign currencies necessary to meet interest payable abroad. Bank charges for paying bond interest coupons, etc., should also be dealt with in this account.

Balances of this account will be distributed pro rata upon all the borrowing municipalities and the regional authority itself, according to the amount of outstanding debt then owing by them to the consolidated fund.

Loan Expenses—Discounts given at sale of securities; legal and incidental expenses of issue; premiums obtained at sales of securities.—These expenses will have to be amortized within the period of the loan issued. An annual contribution therefor should be charged to the general interest account referred to in the preceding paragraph.

All amounts of premiums so received should be credited against outstanding discounts and expenses, thereby reducing annual redemption contribution. Should premiums exceed discount and expenses, then the general debt by repurchase of security or by an offsetting investment should be reduced.

Profits and Losses on Sinking Fund Investments.—Unless the investment is one that has been transferred from a municipal to the regional authority, the profit received or loss sustained should be treated similarly to premiums and discounts described in a previous paragraph. In the case of transferred investments, the profit or loss should be charged or credited to the interested municipalities.

By the establishment and putting into operation of a consolidated loan fund of a regional authority, there will be obviated the necessity of many of the formalities incidental to the adoption and authorization of loan by-laws by the municipal authorities. The regional authority should have power to sanction all proposed capital expenditures of the municipal authorities, subject to same having been previously submitted to and approved by proprietor taxpayers of such authority.

If each local authority has its own town plan and project of development duly approved by the regional authority and the latter body assembles all such plans, and amends and adds thereto its own project of development, the whole of which will constitute the regional plan, after same has been duly approved by the legislature, a preliminary approval of expenditure and power to borrow can be presumed.

The development projects as outlined on this local and regional plan must not, however, be rigid. Amendments will constantly be found necessary or expedient. Approval formalities for amendments should be the same as for the original plan.

AMERICAN CITIZENSHIP AND AUSTRALIAN ELECTION METHODS

BY IRA W. STRATTON

Former Mayor of Reading, Pa.

Since Australia adopted compulsory voting for commonwealth elections the percentage of eligibles voting has averaged well over 90 per cent. Is the system applicable to the United States? :: :: ::

History informs us that people have been wrought up to the highest pitch of excitement and stirred to the greatest depth of feeling over the right to express their separate opinions and have them counted in the determination of the form and operation of the government that rules over them.

If it were seriously proposed to take away the constitutional right of franchise vested in the individual citizens of the United States of America and place that right in the hands of a lesser number, there would be a tremendous roar of disapproval. And yet, notwithstanding the periodical urgent and earnest pleading to arouse them from their apathy, that is just what, time after time, is to a degree permitted to take place by reason of that large, indifferent, neglectful portion of the country's citizenry.

Americans singly, and collectively in organizations, have with a keen sense of righteousness endeavored to arouse the consciousness of the negligent by appeals to a recognition of their duty, their loyalty, their patriotism, their obligation, and by the use of scores of other mental prods sought to overcome this apparent lassitude and have these persons function. Those faithful to love of country have put their energy into the movement and felt temporarily elated over prospects, until results have been tabulated.

Repentant for a few hours, the defaulting ones are in the same category with their promises as that of New Year's Resolutions—only made to be broken. The heroic impulsive bubbles, simmers and grows cold. The fearful thought arises, what might it cost me financially or socially? Timidity, superinduced by a brain panic drives these excuse-makers back to the ideals of their favorite "What's the Use Club."

Inherited blessings are often treated too lightly and as a matter of course. The tremendous sacrifical price paid by our forefathers is too often forgotten in the pleasures of the present. Somehow or other it is mighty hard for us Americans, in this age, to settle down to do the orderly commonplace things in life, unless a sensational accelerator is attached. The thought prevails in many minds that the country belongs to them and not that they belong to it. How much of enduring value is the present handing down to the future?

Around fifty per cent is the high average of the total vote of those eligible to vote. If an exciting thrill can be injected into a campaign and it gains popularity then the peak point of percentage voting runs high. The solution of this vexatious problem of citizenship duty commands earnest, sincere thought and attention for it is intensely important to the welfare of the country.

AUSTRALIA'S GOVERNMENT

Some few months ago, the writer enjoyed the hospitality of Australia. While there, in conversations with government officials, inquiries were made about their election methods. The Commonwealth of Australia is comparatively very young. In area, the country is slightly less in size than continental U. S. A. The states of Australia, after a succession of attempts, finally laying aside suspicions, jealousies, prejudices and fears of each other and of outsiders, evolved an acceptable plan of federation. The constitutional act of federation was passed July 9, 1900. Queen Victoria, September 7, 1900, proclaimed the Commonwealth to take effect January 1, 1901. Prior to that time each state was a government unto itself. As an evidence, the railroads of each state differed in gauge, thus making interstate traffic a hardship with the necessary numerous transfers.

The framers of the constitution obviously had a copy of the U. S. A. form close at hand, for there are many similar points. However, the English pattern is easily recognizable. New features have been added, some are yet in the experimental stage, for instance, affairs of labor. They still have many perplexities to solve. Government reports are printed promptly and made available for use within a few months of the dated time. They thus become more valuable than archive records. Parliament consists of King, Senate and House of Representatives. Australians are running a course closely parallel to the early days of the U. S. A. Their states are gradually adopting more uniform laws and achieving team work in action. A great bone of contention was the location of the seat of the federal government. At that time Lord Roseberry, the English statesman, remarked to a group of visiting Australians: "I should like to be in Australia just now to participate in the exhilarating sport of hunting for the federal capitol site." The commission appointed to view and consider sites and select one were harassed by advocates of more than forty different locations. Finally Canberra was made the choice. On the Campbell farm (part of the site) stands the old stone church building of "Saint John the Baptist." In its adjoining graveyard, on a stone over the grave of Mrs. Webb is an inscription which the Royal Australian Historical Society consider as "curiously prophetic words." They read: "For here have we no continuing city, but seek one to come." This is said to have been one of the deciding factors in the selection of Canberra. W. B. Griffin of Chicago was awarded the prize in the competitive bidding of plans and he was engaged for the layout and on the constructional work of the new city. The speaker's chair in the House of Parliament is made of old historic pieces of oak, presented by the Marquis of Salisbury in behalf of the British Parliamentary Association. A ribbon entwined around the carved uprights bears this inscription in Latin: "The hand that deals justly is a sweet-smelling ointment. A heedful and faithful mind is conscious of righteousness, justice is influenced neither by entreaties nor gifts. Liberty lies in the laws. Envy is the enemy of honor. Praise be to God."

Perhaps Australia is more widely known in America by reason of the talk and adoption by many states of the "Australian Ballot." A method of voting in which the ballots, printed by the government and bearing the names of all the candidates of all parties, are given to each voter as he enters a booth alone, thus securing secrecy and liberty of action.

COMPULSORY VOTING

The Commonwealth Parliament, in order to overcome the apathy or indifference of the electorate toward the use of their right of franchise, in 1925 enacted legislation prescribing and regulating compulsory enrollment and voting.

The act is too lengthy to quote in full and the following is only a few extracts therefrom:

"Qualifications for enrollment and voting are: Part VI, sec. 39—All persons not under twenty-one years of age, whether male or female, married or unmarried—(a) who have lived in Australia for six months continuously, and (b) who are natural-born or naturalized subjects of the King.

"Part V, sec. 38—All officers in the service of the Commonwealth, all police, statistical and electoral officers in the service of any state, officers in the service of any local governing body, and all occupiers of habitations shall upon application furnish to the Commonwealth electoral officer for the state or to any officer acting under his direction all such information as he requires in connection with the preparation, maintenance or revision of the rolls.

"Part VII, sec. 42—(1) Every person who is entitled to have his name placed on the roll for any subdivision whether by way of enrollment or transfer of enrollment and whose name is not on the roll, shall forthwith fill in and sign, in accordance with the directions printed thereon, a claim in the prescribed form, and send or deliver the claim to the registrar for the subdivision; (2) Every person who is entitled to have his name placed on the roll . . . and whose name is not on the roll upon the expiration of twenty-one days from the date upon which he became so entitled . . . shall be guilty of an offense unless he proves that his non-enrollment is not in consequence of his failure to send or deliver to the registrar . . . Penalty: For a first offense, ten shillings; and for any subsequent offense, two pounds.

"Sec. 46—Any officer who receives a claim for enrollment or transfer of enrollment and who without just excuse fails to do everything necessary on his part to be done to secure the enrollment of the claimant in pursuance of the claim shall be guilty of an offense. Penalty: ten pounds.

"Part VIII, sec. 52—Any name on a roll may be objected to by objection in writing lodged with or made by the divisional returning officer; provided that a sum of five shillings shall be deposited in respect of each objection lodged by any person other than an officer, to be forfeited to the King if the objection is held . . . to be frivolous.

"Sec. 57—(2) If any objection . . . is held . . . to be frivolous, the person objected to shall be entitled to such reasonable allowance, not exceeding five pounds. . ." A period of twenty days must elapse after posting notice of objection before action is taken. No name can be removed from the roll after the issue of the writ for election and before the close of the polling at the election.

Nominations of candidates are made by the use of a regular form with a given number of signers to the petition. No nomination is valid unless the person nominated consents to act, if elected, and declares that he is qualified under the constitution and laws. At the time of the delivery of the nomination paper, a deposit in behalf of the person nominated is required. In the case of a senator the sum of twenty-five pounds in cash money or its cash equivalent.

THE PREFERENTIAL BALLOT

The preferential ballot is used, designating the order of choice and

showing preference in order by the voter. If the candidate for senator does not poll one-tenth of the average of the group of the first preference votes polled by the successful candidates, and in case of the House, one-fifth of the average of successful candidates, the deposit is forfeited. Polls are open from 8 A. M. to 8 P. M. After all the ballots have been deposited, the election officers proceed with the "scrutiny" and counting of the votes, tabulating them on prepared forms. The preferential ballot system in detail is very interesting.

"Part XIV, sec. 135—If no candidate has received an absolute majority of first preference votes, a second count shall be made . . . (each election place is notified, by telegram or in some other expeditious manner, of the name of the candidate who has received the fewest first preference votes.) On the second count, the candidate who has received the fewest first preference votes shall be excluded, and each ballot paper counted to him shall be counted to the candidate next in the order of the voter's preference." This process is repeated until an absolute majority of votes has elected.

"Part XIII, sec. 128 A—(1) It shall be the duty of every elector to record his vote at each election.

"Part XII, sec. 85—An elector who will not throughout the hours of polling on polling day be within the state for which he is enrolled, or who will not . . . be within ten miles by the nearest practical route of any polling booth open in the state for which he is enrolled, or be traveling under conditions which will preclude him from voting . . . or who is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending, or in the case of a woman, will by approaching maternity be precluded from attending at any polling booth to vote, may make application for a postal vote certificate and postal ballot paper."

Penalty for any false statement or declaration: Fifty pounds or imprisonment for one month.

"Part XIII, sec. 128 A—(12) Every elector who fails to vote at an election without a valid and sufficient reason for such failure . . . shall be guilty of an offense. Penalty: Two pounds."

Large white, red lettered, placards are posted in public places, in advance time, stating: that enrollment and voting are compulsory, last day for enrollment, date of polling day, and the maximum penalties for failure to do each.

"Part XVI, sec. 145—No electoral expense shall be incurred or authorized by a candidate, in a Senate election, in excess of two hundred and fifty pounds, in a House of Representatives election, in excess of one hundred pounds.

"Sec. 146—No electoral expense shall be incurred or authorized except for printing, advertising, publishing, issuing and distributing addresses by the candidate, and notices of meetings; stationery, messages, postage and telegrams; committee rooms; public meetings and halls therefor; scrutineers (watchers)." Every candidate must, within eight weeks after the result of the election has been declared, sign a sworn declaration and file a true return of his electoral expenses.

Every trade's union, organization, association, league, or body of persons which has, or person who has, in connection with any election expended any money, or incurred any expense, must do the same. The proprietor or publisher of a newspaper published in the Commonwealth must make a return of the space used and the amount paid for it. Penalties are provided for offenses in any of these cases.

Some few persons lacking a discrimi-

nating sense of mind between farce and obligation, seeking to ridicule the Act, inserted fictitious names on their ballots; thus outwardly showing their compliance with the law but secretly evading it. The joke fell flat. These votes were treated as mutilated ballots and cast out. The would-be humorist evaders, even when afterward known, were ignored; although the Act provides heavy penalties for such behavior. After the first few elections these senseless actions practically ceased. The Act embraces many details pertaining to its operation.

HIGH PERCENTAGE VOTE

The enrollment list and the percentage of voters have very considerably increased since the compulsory law of 1925 has become effective. The last election prior to 1925 for Senate members showed an average voting percentage of 57.95 (males 64.67 per cent, females 51.19 per cent) and that of House members 59.36 per cent (males 65.91 per cent, females 52.72 per cent). At times in earlier years the rate was lower. It jumped in 1925, under the compulsory law, to 91.31 per cent for the Senate and 91.39 for the House. The House elections of October 12, 1929, give an average percentage of all the states as 94.85 (males 94.96 per cent, females 94.74 per cent).

The compulsory act has been tested by an appeal to the High (Supreme) Court of the Commonwealth in the case of *Judd* v. *McKeon*. The appeal was dismissed. The full court agreed on the constitutionality of the act. There was only one dissenting opinion on the interpretation of the words "valid and sufficient reason."

Is the Australian method ideal or not? This can be said, that it has rounded up the strays, the delinquent and the recreant to a performance of their duty.

"Article 1, sec. IV of the U. S. A. Constitution reads as follows: The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof but the Congress may at any time by law make or alter such regulations, except as to places of choosing senators." Possibly this might be construed to permit the enactment of legislation on compulsory enrollment and voting.

The constitutions of the various states may also have sections permitting such actions. However, whether they do or not, the will of the citizens can, in every case, apply the remedy.

The United States of America has by force of circumstances, especially in recent years, been loaded with increased responsibilities. These in the nature of things will continue to grow. We must size up to them.

America favored beyond measure in a multitude of ways—the Greatest and Best in the eyes and minds of all true citizens, with the abundant proof of this fact on every hand—must not perish!

RECENT BOOKS REVIEWED

THE CIVIL SERVICE IN THE MODERN STATE. By Leonard D. White. University of Chicago Press. 563 pp.

Selection of public officials based on examinations is more extensive than is popularly supposed. Competitive tests for filling public offices as applied in the United States and England have not been generally adopted, but some method of examination is in force in Germany, Japan, Switzerland, Roumania, Italy and most of the other leading countries.

Dr. Leonard D. White in *The Civil Service in the Modern State* has collated an interesting and valuable compendium of the civil service systems of most of the leading countries. The book, sponsored by the International Congress of Administrative Sciences, represents the contributions of about a dozen collaborators, and is edited by Professor White. A brief summary of the outstanding features of the personnel system in each of the countries treated has been prepared by these authorities. Unfortunately most of the summaries are much too brief, although one is able to learn from them the important phases of the respective systems. The volume is replete with the fundamental laws governing administration of the various public services.

A noteworthy contribution is that prepared for the German system by Professor Carl Joachim Friedrich of Harvard University. It is interesting to note in connection with the German service that more than one-quarter of the seats in the National Assembly are occupied by civil servants. In the German republic officialdom occupies a strategic position of peculiar advantage because of this. Civil servants continue to draw salaries even while occupying a seat in the legislature. The German service is divided into four main groups, each of which has its own separate form of recruitment. Entry is generally limited to each main group, but provision has been made for promotion from one main group to the next. Entry into the main groups is based upon general educational requirements and an examination after a period of apprenticeship. The most controversial aspects of the status of the German civil servant are his right to strike and his right to belong to parties which aim at the forcible overthrow of the existing political order. Both of these rights, however, have been denied by the German courts.

The Swiss system is unique in that there is a tenure of office of three years for civil servants, and salaries are fixed varying according to location and marital status.

The Italian civil service is divided into five groups. The first includes directive and advisory positions filled by university graduates; second, executive or auditing functions, held by college or technical school graduates; third, routine functions such as bookkeeping, copying, etc., and fourth and fifth groups covering the minor positions. Transfer from one group to another is forbidden. Candidates must possess the requisite academic qualifications and normally must pass a competitive test. As in the German service, employees may be members of the chamber of deputies (parliament). Before the Fascist régime this was not permitted. The Italian system, which dates in its entirety only from 1923, seems to be carried out with the efficiency and discipline characteristic of Fascism.

One of the characteristic features of the French public service is the lack of status of the civil servant. Each branch of the service, and sometimes even each office, differs in its personnel system from those in other branches or offices. The personnel system in France is in no wise comparable to the English or German civil service scheme. For almost all public positions possession of certain diplomas is required. For many positions candidates must also demonstrate that they possess additional technical knowledge. Appointing authorities are generally to take persons from lists resulting from examinations. Advancement in the French service, with few exceptions, takes place only by seniority.

Austria has a unique provision in connection with its public service, a requirement that all federal employees must contribute 1½ per cent of their salaries for health insurance. A similar amount is contributed by the state. The insured employees may claim services of physicians and dentists, treatment in sanatoria, etc.

The foundation of the civil service system in Japan was laid in 1887, when Prince Ito established an examination system for appointment and promotion of all except the highest officials. In 1899 the entire service was placed under greater restrictions, and employees were given greater guarantees of status and security of tenure. With the rise of political parties in na-

tional politics and the establishment of party government, the inevitable tendency has been gradually to loosen the restrictions placed on the qualification for appointment of civil officials in the higher ranks. Candidates for appointment in most cases must pass qualifying examinations. The author states that "Bureaucracy as an institution has broken down largely under the increasing influence of political parties and democratization of educational institutions, which in turn has tended to introduce again the 'spoils system' into the Japanese civil service."

In studying Dr. White's book one is impressed with the fact that the governments throughout the world are becoming conscious that they have a personnel problem to deal with, and it is gratifying that some of them are earnestly endeavoring to solve it.

H. Eliot Kaplan.

National Civil Service Reform League.

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Tenure of Office under the Constitution. A Study in Law and Public Policy. By James Hart, Ph.D. Johns Hopkins Press, Baltimore, 1930. viii+384 pp.

This volume is a criticism of the supreme court's decision in *Myers* v. *United States*, which Professor Hart quite warrantably interprets as holding—but holding needlessly—that congress in creating executive offices may not define their tenure as against the president's removal power. In Chapter III of the present volume, which is a real contribution to political science, Professor Hart argues persuasively for a stabilized civil service, even in the case of officers not exercising quasi-judicial functions. Thus he would have congress conceded the power to vest even the postmaster general with permanent tenure. Of course, those executive officers who are agents of the president's powers, in contradistinction to those who are agents of congress's powers, he would leave removable at will by the president.

Besides, however, its critical purpose the volume has a missionary aim, which indeed Professor Hart proclaims to be its "primary" one. From this angle the work is announced to be "a study in politico-legal processes from the point of view represented by John Dewey in logic, philosophy, ethics and politics, and by Mr. Justice Holmes and W. W. Cook in law. It is not unrelated to the sociological jurisprudence of Dean Pound, and his theory of the judicial process as one of 'social engineering'; to what Judge Cardozo has emphasized as the 'sociological method'; and to various other currents in contemporary thought." (Preface, p. vii).

In pursuance of this aim Professor Hart has seen fit to burden not a few of his pages with a most fearsome jargon (see *e.g.* pp. 259–261); to use one of his own expressions, he fairly "*reifies*" jargon. That this procedure really enables him to achieve results that would otherwise have been beyond the reach of his native intelligence supplemented by his excellent knowledge of his own field, is by no means evident to the present reviewer; and at one point Professor Hart himself permits a doubt to escape his unguarded pen. On page 80 he writes that independence of tenure is a prerequisite to independence of judgment, and adds the very sensible remark that such is the "lesson of common experience." This, however, is said not on his own responsibility but on that of "a distinguished psychologist," who having been consulted on the point, answered Professor Hart as follows: "I am afraid psychology as such has made no studies of the problem. . . . I can think of no actual investigation, and no special use of the problem in theory that would be more helpful than common experience." Too bad all psychologists are not equally modest!

As to "instrumentalism," "sociological jurisprudence," and so forth—do they do anything more than to elaborate upon the obvious—the truism, to wit, that political institutions, of which the law is one, exist not for their own sake, but for the good of the people? Perhaps a new terminology is necessary to get this idea across with the lawyers; but with *political scientists?* —it is impossible to believe!

Fortunately, Professor Hart frequently forgets his special mission and just gives his trained acumen as a political scientist of the "old historical school" free rein, with the result that the book as a whole is a decidedly worth while treatment of its problem.

Edward S. Corwin.

Princeton University.

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A Study of the Principles of Politics. By G. E. G. Catlin. New York: The Macmillan Company, 1930. 469 pp.

Professor Catlin is one of the few political theorists who have correctly understood that the imperative need of modern political science is a body of political generalizations which stands

between the stock in trade of the jurists and philosophers on the one hand, and the political technologists on the other. Such a body of principles would fruitfully guide the scrutiny of those empirical processes which are the formal subject matter of study and control; it would not rest contented with value-rationalizations, nor lose itself in the details of the procedure by which tangible objectives are to be achieved by political engineering.

The ground for the present volume was cleared three years ago in Catlin's *Science and Method of Politics*. There we were admonished to conceive the field of politics broadly, to disengage it from the merely governmental, and to choose our questions with regard to the whole field of will-manifestations in society. We were advised to proceed boldly to discern the principal relations which are the proper subject of study and to follow the lead of the economists by dallying with the concept of the purely "political man."

This book is richer in tangible statements about the general nature of political processes than the one which preceded it, and as such will be more intelligible to the special and general public. The third chapter is especially provocative, since it undertakes to report some of the laws of political phenomena which are already to be found in the literature, and which the author subjects to various forms of re-statement. The bulk of the book is an independent analysis of the meaning of liberty, authority, conflict, solidarity, balance, convention, equality, status, individual, and society. The analysis, it should be repeated, is not conducted from the juristic-philosophic angle, but from the positivistic standpoint. It will be vindicated if it serves as the point of departure for further factual studies of political life, and for the cogent re-interpretation of the broader meaning of known details.

The present reviewer does not choose to be committed to the details of the Catlinian analysis but he warmly commends the spirit of the undertaking, and welcomes the many suggestive sparks thrown from the anvil.

HAROLD D. LASSWELL.

The University of Chicago.

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LABOR AND CAPITAL IN NATIONAL POLITICS. By Harwood L. Childs. Columbus: Ohio State University Press, 1930. 286 pp.

"Why is it," queries the author of this patient, penetrating volume, "that bank presidents, industrial magnates, technical experts, college professors, publishers, research experts, and lawyers will give of their time to work for these groups, and yet contribute so little to the formal process of formulating state policies?" He parries his own question—perhaps he is a Scotchman—by asking a half dozen more. But this is not the problem of his book. His concern is with the broad rôles played by the Chamber of Commerce of the United States and the American Federation of Labor which he takes to represent organized capital and organized labor in our national polity. He finds these two organizations—each with its far-flung membership, its own headquarters building at Washington, its research staffs, its library, its elaborate committee structure, its annual conventions, and above all its legislative program—part of our governmental structure, realistically considered.

Dr. Childs has examined minutely into the domestic economy of each of these bodies. It is interesting to note the development of the Chamber from an organization designed to assemble business opinions for the convenience of government officials to a militant agency for the creation of public opinion on business matters. He finds it strikingly similar to the A. F. of L., yet with noteworthy points of difference. The Chamber has a $2,000,000 budget. The A. F. of L., with a fourth as much, has less opportunity for research, pamphleteering and general public education. The modest attainments of labor's rank and file have made its relation with its leaders not so much one of mutual exchange as one calling for creative leadership and implicit allegiance.

There are two good, if brief, chapters on the influence of these organizations on public opinion, elections, legislation and administrative policies. The author gives us a vivid picture of their avowed tactics without discussing in any detail the contents of their programs. Though one feels that he has not penetrated all of the mazes of their intricate relations with formal governmental agencies, his painstaking study of the machinery and methods of two of the most important pressure groups in our informal government has put all of us in Dr. Childs' debt.

JOSEPH MCGOLDRICK.

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MUNICIPAL INSURANCE PRACTICES OF NEW YORK MUNICIPALITIES. By Russell P. Drake. Syracuse University, 1930. 95 pp.

The survey, upon which Mr. Drake reports, was made under the joint auspices of the New

York State Bureau of Municipal Information and the School of Citizenship and Public Affairs. It was undertaken to gather and analyze information on the insurance practices of New York state cities and first-class villages and to suggest ways in which the cities and villages can solve their insurance problems. Amounts spent for insurance, the payments to cover losses under insurance policies, and methods of carrying insurance were obtained from 47, a majority, of the cities and villages of the state.

The text concludes with the words, "There appears to be no good reason why insurance should be carried with private companies." Basing conclusions on the facts presented, the report eliminates the private carrier from all forms of insurance studied except fire insurance. If fire insurance is required as a last resort "to safeguard the credit of the municipality in event of the largest possible loss to its most valuable building," it is recommended that the insurance contract be awarded to the lowest and best bidder. There is no place for the private agency in the field of workmen's compensation insurance because smaller cities can, it is maintained, use the state fund and larger cities can do without insurance if they provide preventive services. Liability insurance is placed among the last resorts, because any other method should prove more economical in the long run. Comparisons of cost to show relative economies are made for a period of ten years and an insurance agent would certainly murmur, "Can you tell what will happen next year?"

A good work has been done in presenting the story of municipal insurance in New York state and in advancing, with considerable courage, some quite definite conclusions. Probably debate will still rage over the if, when, and how of municipal insurance but this may not be the fault of the study so much as the nature of the critter studied.

C. A. Howland.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY EDNA TRULL

Municipal Administration Service

A Major Street Plan for Rochester, New York.—Prepared by Harland Bartholomew and Associates, 1929. 104 pp. This study presents a comprehensive plan of main traffic thoroughfares looking forward to a trebling of the population of the city of Rochester within the next fifty years. Twenty-seven illustrative plates are included. (Apply to City Planning Board, Rochester, New York.)

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Philadelphia Traffic Survey, Report No. 6, North Philadelphia.—Prepared under direction of Mitten Management, Inc., 1930. 45 pp. This report is a continuation of the Philadelphia Traffic Survey covering traffic conditions in the section north of the central business district. It deals with traffic problems resulting from the development of certain small business sections, requests regulatory measures, and recommends a system of main traffic arteries. (Apply to the Chamber of Commerce, Philadelphia, Pennsylvania.)

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Report on a Thoroughfare Plan for Boston.—Prepared by the City Planning Board, Robert Whitten, consultant, 1930. 236 pp. This report is based on three years of careful investigation during which an unusually complete traffic analysis and forecast was made. It presents a long-term construction program, covering a period of twenty-five years and urges the construction of a well articulated system of express roads. Ninety-eight illustrations, 24 tables, and a large map accompany the study. (Apply to the City Planning Board, Boston.)

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Report of Planning and Park Commission.—Village of Ridgewood, New Jersey, 1930. 77 pp. The Planning and Park Commission presents in this report a master plan for the future development of Ridgewood. It deals comprehensively with water supply, sewer systems, waste disposal, bus transportation, public parks and athletic fields, traffic regulation, street improvement, civic center plans, and zoning. Illustrations, and a folding map are included in the report. (Apply to Planning and Park Commission, Ridgewood, New Jersey.)

*

A Traffic Control Plan for Kansas City.—Prepared for the city-wide traffic committee acting under the sponsorship of the Chamber of Com-

merce, by the Albert Russel Erskine Bureau of Harvard University, 1930. 251 pp. A comprehensive plan for traffic regulation and control based on detailed engineering and statistical studies. Present street traffic conditions are analyzed in relation to business and to public safety and a consolidated traffic code is presented. Eighty figures and tables are included in this report. (Apply to the Chamber of Commerce, Kansas City, Missouri.)

*

School Building Survey and Building Program.—Richmond, Indiana, 1930. 86 pp. with tables and diagrams. This survey made under the direction of the board of school trustees by the school superintendent, William G. Bate, and his staff, and advised by the Institute of Research, Teachers' College, Columbia University. The realization of the overcrowded condition and antiquated construction of schools occasioned the complete study of the city with a view to creating a complete and adequate "school city." The proposed program and plan of financing will make this possible in 1945, and looks to its accomplishment then. (Apply to Board of Education, Richmond, Indiana.)

*

Salvage Work Done by a Municipal Fire Department.—Richard Lee Smith. A paper presented at the meeting of the Salvage Corps Officers Association, September, 1930. 7 pp. The chief of the Pittsburgh Fire Department explains how a city fire department organized a salvage unit, and how it became a vital factor in reducing fire losses and increasing the efficiency of the department. (Apply to National Board of Fire Underwriters, 85 John Street, New York City.)

*

Preliminary Report of Florida Citizens' Finance and Taxation Committee.—Perry G. Wall. October, 1930. 47 pp. This report submitted for the consideration of the public examines Florida's present tax system and its enforcement, including assessment. It outlines the necessary provisions of a new system, with especial reference to the practice in "competitive states." It suggests special taxes, equitable ad valorem taxes, taxation of utilities, an inheritance tax but particularly governmental economy. Under this heading, Mr. Wall emphasizes the extravagance of the county system and the unsupervised expenditure of local districts. (Apply to Florida Citizens' Finance and Taxation Committee, Jacksonville, Florida.)

*

Traffic.—Reprint from the 1930 Proceedings of the American Road Builders' Association, Bulletin No. 12, 54 pp. This bulletin contains reports from committees of this highway organization, representing constructor and operator, as well as the user, to its annual convention. There are sections on causes of accidents, parking in business districts, traffic signals and signs, street lighting, traffic zoning, and traffic law enforcement through drivers' permits. Illustrated with pictures and diagrams. (Apply to American Road Builders' Association, Suite 938, National Press Building, Washington, D. C.)

*

Community Industrial Financing Plans.—United States Department of Commerce. 61 pp. There are times when the local chamber of commerce desires to assist industries in their development for the benefit generally of the community. Often this aid is of a monetary character and such as cannot be readily obtained from banks. Mr. T. R. Snyder has revised the compilation and classification of plans for such industrial financing from ten cities, and this is available in mimeographed form. (Apply to the Department of Manufacture, Chamber of Commerce of the United States, Washington, D. C.)

Real Estate Practice.—1930. 911 pp. The National Association of Real Estate Boards here publishes the addresses given at its two 1930 meetings and additional papers. It includes articles such as "Helping to Finance the Purchaser" by A. Lawren Brown; "City Planning and Street Widening" by Mark Levy; "Determining Capitalization Rates in Appraising Income Properties" by Arthur J. Mertzke; "Pedestrian Traffic" by Delbert S. Wenzlick; "Real Estate Taxation" by Arthur J. Lacy; "Tax Program for Real Estate" by S. E. Leland; and "Blighted Urban Areas" by Harland Bartholomew, as well as many on the practices of realtors. (Apply to National Association of Real Estate Boards, 159 East Van Buren Street, Chicago, Illinois. Price, $7.50.)

*

Building and Loan Annals, 1930.—751 pp. This volume contains the record of the forty-

second annual convention of the United States Building and Loan League, including the addresses given there and at several state league and group conventions. It thus assembles material on the practice and procedure of the Association for the information of the public, and the assistance of the local associations. (Apply to Secretary, United States Building and Loan League, 22 East 12th Street, Cincinnati, Ohio. Price, $10.)

✻

A Proposal for the Classification and Compensation of Employees of Suffolk County.—1930. 51 pp., mimeographed. Under provision of an act of the 1930 legislature the budget commissioner of Boston was directed to submit to the city council plans for the classification and compensation of offices payable from the Suffolk county treasury. The budget commissioner here makes the report of his survey and procedure, and proposes groupings and salary ranges for the employees concerned—primarily those engaged in some aspect of the administration of the correctional institutions. (Apply to Budget Commissioner, City of Boston, Massachusetts.)

✻

Salaries of High School Principals and City Superintendents of Schools in Wisconsin Cities.—Celia Harriman, 1930. 5 pp. The Municipal Information Bureau of the University of Wisconsin has compiled salary statistics for the year 1929–30 in the same mimeographed form as its earlier studies on the same subject. (Apply to Municipal Information Bureau, University of Wisconsin, Madison, Wisconsin. Price, 25 cents.)

✻

A Bibliography of Social Surveys.—Allen Eaton and Shelby M. Harrison. New York, 1930. 467 pp. The authors, both of the department of surveys and exhibits of the Russell Sage Foundation, have listed 2,775 surveys made in the United States prior to 1928. Changing community conditions, the demand by citizens for action to control tendencies in the public interest, and a growing conviction that control and improvement could be more intelligent and effective if based on knowledge, combined to make the social study, or survey, a very important activity of the modern community. The first attempts to ascertain these facts were general social surveys, urban and rural. Then came the much more numerous surveys in specialized fields, including 125 separate groupings, such as schools and education, health and sanitation, city and regional planning, delinquency and correction, housing, administration, child welfare, recreation, mental hygiene, cost of living, taxation, and others. Surveys are made by governmental or private agencies with a growing emphasis on the more or less permanent survey or research bureaus in different localities. The studies listed are classified as to subject matter and geography so that the contents are easily available. (Apply to the Russell Sage Foundation, 130 East 22nd Street, New York City. Price, $3.50.)

✻

A Plan for the Construction of Underground Mechanical Garages in Downtown Detroit.—Nolan S. Black and Wilfred V. Cosgrain. 1930. 10 pp. Illustrations and architects' drawings attempt to show the Detroit Common Council the feasibility of underground parking for 3,000 to 4,500 cars in the business district. This plan is arranged particularly for a divided street, but might be adapted easily to the regular street, and is for the "reception floor," several levels of parking area and underground passageways to sidewalks and office buildings. With several entrances and exits in the regular line of traffic, automatic loading, electrically operated transfer trucks such as are used in the manufacturing plants, the authors of the plan foresee it as operating for great convenience and no possible difficulties. They have worked out a plan of payment through a bond issue which might be retired solely from revenue and they urge the city to pioneer in this practical solution of a nation-wide problem. (Apply to Nolan S. Black, 3454 Denton Avenue, Detroit, Michigan.)

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

EDITOR'S NOTE.—Referring to the note in the last issue of the REVIEW on the case of *Messinger* v. *Cincinnati*, we are indebted to Alfred Bettman of Cincinnati for a letter setting forth the facts in that case, which throws light upon the reasons for the action of the city council in ruling to close Teakwood Avenue and explains the position taken by the city planning commission. In view of the present state of the law of city planning, the following extract from Mr. Bettman's letter is of peculiar interest at this time:

The subdivision which contained Teakwood Avenue and is within the city limits was, as required by law, submitted to the city planning commission. According to the submitted plat, Teakwood Avenue did not go to the eastern boundary of the tract, but stopped fifteen feet short thereof. A study of the thoroughfare problem showed that Teakwood Avenue had importance as a minor thoroughfare and was, of all the streets in the subdivision, the one properly to be treated as a thoroughfare and not as a local street. Consequently, the planning commission insisted upon carrying Teakwood Avenue to the eastern boundary of the tract, which was also the eastern corporate limits. In order to get his plat recorded, the subdivider complied with this condition and the plat was amended accordingly, resubmitted to the planning commission and approved.

One of the arguments made for stopping short of this fifteen feet was that the property to the east, namely, the Messinger tract, would in time come to be subdivided and one could not know what sort of people would come to live there and the promoters of the first tract did not want to open their streets to these possibly "inferior" people. Of course, that argument did not appeal very much to the planning commission; but, to meet it, the Messinger owners agreed to subject their lots to residence A restrictions as a part of the conditions of their platting. This, of course, destroyed all such argument, if it needed to be destroyed.

Despite all this, the promoters of the first tract then sought to create the fifteen-foot break in Teakwood Avenue by getting council to vacate the fifteen feet. Of course, the planning commission disapproved of this vacation, but through political manipulations, the two-thirds vote of council necessary for overruling the planning commission was obtained.

I thought these facts would interest you, as they show the atmosphere surrounding the case, and which no doubt helped to cause the decision to be as it was. I agree with you in considering it a most important decision. Indeed, I have talked about it wherever I have had an opportunity, as for instance, in a recent lecture at the Harvard City Planning School on the legal elements of city planning.

*

Municipal Bonds—Profits on Sales Not Exempt From Federal Taxation.—The Supreme Court on January 5 handed down its decision in *Willcuts, as Collector of Internal Revenue* v. *Bunn*, reversing the judgment below which awarded Bunn a recovery for taxes paid upon profits on the sales of certain bonds issued by various counties and cities in the state of Minnesota. In an opinion by Chief Justice Hughes, the court lays down the principle that to warrant an exemption from federal excise statutes it must be shown that the tax imposes a real and substantial burden upon the state or its local agencies. The full text of the opinion may be found in the United States Daily, January 6, 1931.

*

Streets and Highways—City Cannot Bind Itself to Retain Street Names.—It is well settled that the naming of streets is a governmental function, which a city in the absence of express statutory authority may not bargain away. In *Belden* v. *City of Niagara Falls*, decided by the Appellate Division of New York, November 12, 245 N. Y. S. 510, the plaintiff sought to enjoin the city from changing the names of certain streets upon the ground that in conveying the land to the city for street purposes the city had expressly agreed that the names should not be changed. The court holds that such an agreement is *ulta vires* and reversed a judgment enjoining a violation of the covenant. Based upon the same principle the owner of property abutting on a street can acquire no vested interest in its name nor in a designated street number (See *Bacon* v. *Miller*, 247 N. Y. 311.)

*

Billboards—Elimination of Billboards Obstructing Highway View by Condemnation.—In *Frelinghuysen* v. *State Highway Commission*,

152 Atl. 79, the Supreme Court of New Jersey limits the application of the statutes empowering the Highway Commission to condemn lands that may be necessary for highway purposes to the acquisition only of such rights of the owner as may be essential to the public use authorized. The court holds that although the statutes confer very broad powers upon the commission, which by their terms are to be liberally construed, the constitutional limitation that lands may be taken by eminent domain only for public use inhibits the condemnation of all the right, title and interest of the owner simply for the purpose of eliminating obstructions to the view of travelers. The power of the commission to condemn is thus restricted to easements necessary for "rights of way."

The reasons stated by the court would seem to be also applicable to a statute attempting to expressly confer similar powers. The result would probably be different if the state constitution provided for excess condemnation. While the Supreme Court has not passed directly upon the limitations upon excess condemnation under the Fourteenth Amendment, its decision last April in *Cincinnati* v. *Vester*, 281 U. S. 449, indicates that the power may be sustained if the lands are acquired for the amplification and preservation of a public improvement and the definite purpose is clearly set forth in the resolution of the body exercising such statutory power.

✻

Indebtedness—Refunding Bonds—Effect of Constitutional Limitations.—An amendment to the constitution of Florida, adopted last November (Art. 9, sec. 6), provides that a county, district or municipality shall have power to issue bonds only after the same shall have been approved by a majority of the votes cast at an election participated in by a majority of the qualified electors thereof. By express words this provision is not to apply "to the refunding of bonds issued exclusively for the purpose of refunding of the bonds or the interest thereon of such counties, districts or municipalities." The construction of this latter clause came before the Supreme Court of Florida in the case of *State* v. *Miami*, 121 So. 143, decided December 5, 1930, upon an appeal taken from a decree validating certain refunding bonds of the city. The contention was made that the section was applicable only to the refunding of bonds that had already been refunded. The court by a majority of four to one holds that the section applies to all issues of bonds, which are designed to extend the date of payment of the principal or interest of any outstanding bonds. As refunding bonds do not increase the indebtedness of the city, the construction adopted by the court seems to express accurately the purpose of the excepting clause.

✻

Special Assessments—Recovery of Payments Made Under an Illegal Tax.—In *Detroit Lumber Co.* v. *Arbitter*, 233 N. W. 179, decided December 2, 1930, the Supreme Court of Michigan holds that special assessments illegally assessed and collected may be recovered by the landowner who has been compelled to make such payments. Through a mistake in the survey of the lands in question the city of Detroit, one of the defendants, had mistaken the boundaries of the adjoining alley and built the sewer upon private lands. As the city was without power to build sewers and assess the cost of the improvements therefor, except in highways or upon public lands, the assessment was declared to be void, a restoration of the taxes collected ordered repaid and the unpaid installments canceled. This part of the decree of the court was incidental to the other equitable relief sought by the plaintiff. This decision may be compared with that of *Georgianna Thompson* v. *District of Columbia*, 281 U. S. 25, reported in the April number of this REVIEW, in which the Supreme Court held that moneys collected under guise of a special assessment could be recovered in an action at law upon notice to the landowners that the improvement upon which the assessment was based had been abandoned.

✻

Torts—Statutory Liability for Injury by Fire Trucks.—The recent amendment to the highway law of New York (sec. 282-g) providing that every city shall be liable for the negligence of any person duly appointed to operate a municipally-owned vehicle acting in the discharge of his duties is held in *Snyder* v. *Binghampton*, 245 N. Y. S. 497, to include operators of fire trucks. The decision is based upon the plain language of the statute which states that "Every such appointee shall, for the purpose of this section, be deemed an employee of the municipality, notwithstanding the vehicle was being operated in the discharge of a public duty for the benefit of all citizens of the community and the municipality derived no special benefit in its corporate capacity."

The New York statute marks a milestone in

the movement to place the liability of municipal corporations for tort upon a sounder social and legal basis. It is significant that a bill sponsored by Attorney General Ward was introduced at the last session of the New York legislature, which, had it been passed, would have wiped out entirely the distinction between governmental and proprietary functions as a basis to determine the immunity or liability of a municipal corporation for tort due to the negligence of its agents and employees.

⚜

Contracts—Estoppel of City to Deny Rights Existing in Property Acquired by Purchase.—The Supreme Court of Arizona in *Collier* v. *Paddock*, 291 Pac. 1000, refused to reverse a decision of the lower court denying the plaintiff an injunction against the city of Phoenix to restrain the city from letting space in its street cars to other persons. In January, 1924 the plaintiff contracted with the city's predecessor in title for the advertising space for a period of ten years and after the purchase of the utility by the city in 1925 the latter had recognized the contract up to July 1, 1929, furnishing the space and receiving the monthly payments. About that date the city notified the plaintiff that it was not bound by the contract and would proceed to let a new contract by competitive bidding. The prayer of the plaintiff was that the city be enjoined from interfering with its contract rights to the use of such advertising space.

The ground upon which the court rested its refusal of such relief was that the plaintiff had no valid contract with the city, because the charter prescribes the method of contracting, which had not been followed, invoking the fundamental rule that a municipal power cannot be exercised unless strictly in accord with the methods laid down by the statute.

Admitting the validity of this contention, there would still seem to be no good reason why the plaintiff was not entitled to the relief asked for. The petitioner was not asking for an affirmative declaration that it had a contract with the city, but that the city be estopped to deny that it had rights under a valid contract with the city's predecessor in title for the use of advertising space upon property later acquired by the city, rights which could not be extinguished by any action or non-action on the part of the municipality or of the state without compensation. The failure of the court to recognize the equitable principles applicable to the facts raises a nice question as to whether any remedy is available to the plaintiff to enforce its rights. It is quite probable that the courts of other states which recognize contract rights to advertising space on buildings as quasi-easements subject to equitable protection might reach a solution that would afford adequate protection to the petitioner. (See *Cusack Co.* v. *Meyers* (Ia. 1920), 178 N. E. 401, 10 A. L. R. 1104 and note.)

⚜

Torts—Pollution of Public Waters by Sewage —Distinction Between Tidal and Non-tidal Waters.—In *Lovejoy* v. *City of Norwalk*, 152 Atl. 210, the Supreme Court of Errors of Connecticut by a divided court, holds that the pollution of tidal waters by sewage disposal, affecting the marketability of oysters in designated oyster beds, but not destroying the oysters, does not constitute a taking of property without compensation, and that therefore no injunction may be granted against such acts. The court puts its decision upon the broad ground that the rights given the owner of oyster beds by the state or by municipalities under delegated power in the tidal lands are subject to the paramount right of the public to use such waters as a purification basin for sewage. The decision is supported by numerous precedents, which distinguish the rights of riparian owners on non-tidal streams from those acquired under license in tidal waters. (*Hampton* v. *Watson*, 119 Va. 89; *Sayre* v. *Newark*, 60 N. J. Eq. 361; *Darling* v. *Newport News*, 249 U. S. 540.)

The plaintiff in the instant case contended that in view of modern scientific methods for the purification of sewage, the earlier decisions as to the negligence of public agencies in discharging untreated sewage into tidal waters should be modified. The evidence showed that the city has under way improvements for the filtration of its sewage which will cost in the neighborhood of a million dollars, but the court approved the finding of the trial court to the effect that in the absence of a statutory mandate no positive duty rests upon the city to install such improvements and that the rights of the plaintiff under his license are limited to the exclusion of other oyster farmers from the designated area.

The New Jersey Court of Errors and Appeals in *Heintz* v. *Essex Fells*, 151 Atl. 593, has recently affirmed the liability of a municipality for the pollution of a fresh water stream, the water of which was made unfit for the use of cattle by the discharge of oil from a pumping station

maintained by the municipality. Such active wrong-doing, even in the discharge of a governmental function, is held to negative the immunity of the city for the negligence of its officers and agents.

✻

Police Power—Traffic Regulations—Right of Accused to Trial by Jury.—The Supreme Court in *District of Columbia* v. *Colts*, 51 S. Ct. R. 52, decided November 24, holds that a person charged with the violation of the traffic code of the District of Columbia in having driven a motor car at a forbidden rate of speed and recklessly "so as to endanger property and individuals" is entitled under the federal constitution to a trial by jury. While the decision is limited to the exercise of the federal police power, the opinion of the Court, written by Mr. Justice Sutherland, forcefully points out the distinction between petty offenses such as a violation of the parking limitation and an offense which by its very nature is *malum in se*. (See *State* v. *Rogers*, 91 N. J. Law 212.) The offense here charged was indictable at common law before motor vehicles were introduced. Upon this point the Court says:

> An automobile is, potentially, a dangerous instrumentality, as the appalling number of fatalities brought about every day by its operation bear distressing witness. To drive such an instrumentality through the public streets of a city so recklessly "as to endanger property and individuals" is an act of such obvious depravity that to characterize it as a petty offense would be to shock the general moral sense. If the act of the respondent described in the information had culminated in the death of a human being, respondent would have been subject to indictment for some degree of felonious-homicide. [Cases cited.] Such an act properly cannot be described otherwise than as a grave offense—a crime within the meaning of the third article of the constitution—and as such within the constitutional guarantee of trial by jury.

✻

Home Rule—Delimitation of "Municipal Affairs."—The delimitation of "municipal affairs" in home rule cities under the usual constitutional provisions requiring the charter provisions to be subject to the constitution and statutes of the given state is constantly subject to adjustment as the legislature extends the field of state control by laws of general application. The scope of governmental functions which are at any given time exclusively municipal is at best extremely limited and with the exception of a few activities is subject to gradual curtailment as general laws covering a specific field are found necessary to meet new conditions. Local home rule powers otherwise validly exercised must yield when the interests of the state require regulation by uniform statutes of state-wide application.

In a case decided November 18, *Wehrle* v. *Board of Water and Power Commissioners of Los Angeles*, 293 Pac. 67, the Supreme Court of California holds that the acquisition of lands and needful water rights by the city is a municipal affair and that under the charter the board has full authority to take what steps it may deem necessary to that end. A taxpayer's action to enjoin the purchase of lands for water supply purposes cannot be sustained, in the absence of evidence that the board is acting fraudulently or in excess of its powers.

In the above case, the particular field of local activity had not been limited by statute. In *Carlberg* v. *Metcalfe* (U. S. Daily, January 5) the Supreme Court of Nebraska holds that the home rule city of Omaha is authorized by a state statute to establish and maintain a municipal university. The taxpayer's action asking for an injunction in this case was based upon the theory that such power could be conferred only by an amendment to the charter adopted by the electors. The court holds, however, that whatever powers the local electors may confer upon the city in the absence of legislation by the state, matters relating to education cannot be considered as local or municipal in their nature and that any statute relating thereto must be given paramount effect.

Reference may also be made to *State* v. *City of Homestead*, 130 S. 28, in which the Supreme Court of Florida holds that the amendment of 1915 to the state constitution authorizing cities and towns to amend and adopt home rule charters does not extend to the enlargement of their boundaries where the municipal limits have been fixed by statute.

✻

Streets and Highways—Effect of Condemnation of Fee for Highway Purposes Upon Abutter's Rights.—The New York Court of Appeals in *Thompson* v. *Orange & Rockland Electric Co.*, 173 N. E. 224, reversed a judgment giving the plaintiff, an abutting owner, compensation for the occupancy by the defendant of the adjoining highway for the erection of poles and wires of its electric distribution system. The decision turned upon the question whether the county

had acquired the fee or only highway easements by its condemnation proceedings. The general rule as applied in New York has been that a condemnation for highway purposes gave the public the same rights as upon a dedication for highway purposes, and limited the rights of the public to such easements as were essential for public travel, including the right to change the grade and to construct sewers. The use of the highway by public utilities, such as railroad or electric lighting companies, has been held in most of the states, including New York, as an additional burden for which the abutting owner should be compensated.

The court construes the provision of the highway law that the county board of supervisors "shall acquire land for the requisite right of way" either by purchase or condemnation as imposing the duty of acquiring the fee therefor, leaving to the abutting owner only those rights that arise from the relationship of his land to the highway, as the rights of access, air, light and view. The court places emphasis upon the clause of the statute which refers to the rights acquired as *title* to *real property* as indicating the intent of the legislature that the full fee is to be taken.

The effect of the decision is to draw a distinction between the rights of the public in lands acquired for highway purposes under the statute and those previously acquired by condemnation or dedication. It is indicative of the efforts of the state legislatures to extend the rights of the public as far as they deem necessary, to meet modern conditions. In the instant case, it is to be assumed that private interests will not suffer, as the owner will be awarded compensation for the additional rights taken in the condemnation of his entire title. The value of the new law to public utility companies in enlarging their franchise rights to the use of the public highways is apparent.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Progress in New York City Transit Reorganization. — The solution of the New York City transit problem appears to have advanced materially through the report submitted to the transit commission by Samuel Untermyer, who, as special counsel to the commission since 1927, has devoted untiring energy, without compensation, to the formulation of a unification plan which would be acceptable to both the city and the companies.

Mr. Untermyer has had an arduous task, which has required a grasp of complicated technical and financial relationships, as well as patience and ability, to negotiate without losing sight of the public interests involved. The general plan as to type of organization was substantially established in 1928, and the proposed modifications are not fundamental. But the present report sets forth the payments to be allowed for the properties which would be included in the unified system.

The plan contemplates the taking over by the city of all rapid transit properties, which would then be leased for operation to the board of transit control, a corporate body created for that purpose. The financing effected would be carried out partly through an issue of city bonds and partly through securities issued by the new board.

PRESENT RAPID TRANSIT SYSTEM

At the present time there are three general systems: (1) Interborough system; (2) B. M. T. system; and (3) the new city system now under construction.

The Interborough system includes two subdivisions: subway and elevated. The first consists of lines owned by the city of New York and leased to the Interborough Rapid Transit Company for operation under specific financial arrangements as to investment, division of return, and rate of fare. The contract expires in 1968, when all the property reverts to the city, free of cost, except for the equipment provided by the company for the original subway, which would be conveyed to the city at its then fair value. The lease, however, provides that the city may recapture the properties at a price fixed in the agreement. The right of recapture, however, applies only to the subways constructed since 1913 under so-called Contract No. 3, and not to the subways constructed subsequently, except that certain exchanges may be made in the properties as provided in the contract.

The title to the subways already vests in the city, and their purchase is not involved in the proposed plan, except for the termination of the lease and the liquidation of the company's contribution to the construction of the lines and its investment in equipment. There is, however, involved also the purchase of the equipment provided by the company for the old subways; this does belong to the company, and would be purchased by the city under the plan.

The strict purchase of properties by the city would apply to the elevated system, leased by the Interborough Rapid Transit Company from the Manhattan Railway Company for a period of 999 years from 1876. The city has no ownership nor investment in these lines. The elevated and subway properties are operated by the Interborough as separate systems, under different contracts, and their financial and accounting records are kept distinct. Each can be treated readily as a separate unit in the unification program.

The Brooklyn-Manhattan Rapid Transit system consists of (1) city-owned lines, leased under Contract No. 4 to a B. M. T. subsidiary; (2) reconstructed elevated lines, company-owned; and (3) old elevated lines, company-owned. All the lines are operated as a single unit, without separation of accounts between the various classes of property. The plan provides for the purchase of the company-owned lines, and for the liquidation of the company's interest in the city-owned lines.

In addition to the existing rapid transit lines, there are the city lines now under construction, but some of which will be ready for operation toward the end of 1931. The plan proposes a separate operating unit for the new city system,

so that its financial set-up would be distinct from that of the Interborough-B. M. T. unification.

The total proposed payment for the company-owned lines and for the liquidation of I. R. T. and B. M. T. interests in city-owned lines, is placed at $489,804,000. These figures appear to be generally acceptable to the companies, except that there is a sum of about $10,000,000 in dispute. On the city and public side, however, there may be greater doubt as to whether the purchase price would prove to be satisfactory. In any event, this will be the subject-matter of close scrutiny during the coming months, when the plan will be subjected to hearings before the transit commission and when all interested groups will have an opportunity to present their views.

The following is a summary of the payments and investment by the city under the plan:

Track Miles	*I. R. T.*	*B. M. T.*	*Total*
City-owned lines	224.0	120.5	344.5
Company-owned lines	118.1	145.8	263.9
Total track miles	342.1	266.3	608.4
Payments and investment by city			
Company interest in city-owned lines	[a] $146,042,000	$74,475,000	$220,517,000
Purchase of company-owned lines	130,462,000	138,825,000	269,287,000
Total payments to companies	276,504,000	213,300,000	489,804,000
City investment in company-operated lines	183,650,000	202,400,000	386,050,000
Total payments and investments	460,154,000	415,700,000	875,854,000
Of which city-owned lines	329,692,000	276,875,000	606,567,000
company-owned lines	130,462,000	138,825,000	269,287,000
Cost per track mile			
City-owned lines	$1,471,839	$2,297,718	$1,760,717
Company-owned lines	1,104,674	952,160	1,020,413

[a] Includes $30,000,000 estimated for I. R. T. equipment under Contracts Nos. 1 and 2.

The significance of the purchase price of the elevated properties appears most strikingly when the cost to the city is considered from the standpoint of trackage. The I. R. T. elevated lines have a total of 118 miles of track. The total purchase price is $130,462,000, including the old elevated properties, as well as the improvements made under the 1913 agreements. Practically all these properties are obsolete, and yet they come to the sum of $1,105,000 per mile of track. Can this figure be justified on broad public grounds? Can the city afford to pay that price for property that might have to be junked in the near future?

The B. M. T. elevated lines that would be purchased by the city have a total of 146 track miles, which, at a total cost of $138,825,000,

ARE THE VALUATIONS REASONABLE ?

As to the reasonableness of the proposed purchase price, Mr. Untermyer himself states forcefully that it is too high. This applies particularly to the purchase of the company-owned lines. The amounts for liquidation of company interests in city-owned lines were determined as provided for by the contracts between the city and the companies, at actual cost plus 15 per cent, so that the figures cannot be far out of line. Public criticism, however, is bound to be directed against the price for the company-owned elevated lines, which are more or less obsolete. This applies particularly to the elevated operated by the Interborough. While the lines will probably be used for some years, they are obsolete now and should be removed from the streets at the earliest possible date, as soon as traffic can be accommodated by new subways. Likewise, the B. M. T. elevated lines have suffered greatly of obsolescence. Some of these lines, however, were reconstructed as a part of the 1913 program, and cannot be said to be obsolete. The unreconstructed B. M. T. lines, however, are practically in the same condition as the I. R. T. elevated, except that they extend through less congested territory, and their removal is perhaps less pressing.

would come to $952,000 per track mile. Is this amount reasonable? But there is here the significant point that about $153,000 less is allowed per track mile for the B. M. T. elevated than for the I. R. T. elevated lines, although less obsolescent and more essential to the requirements of comprehensive unification.

Mr. Untermyer emphasizes the fact that the values are higher than justified if considered from the standpoint of their physical condition and operating status. He believes, however, that they would be justified from the standpoint of the city's future situation, because of reduction in fixed charges achieved through the new financing, because of cancellation of existing contracts and their burdensome consequences to the city, and particularly because of the operating and service benefits of unification under which all lines could be coördinated with regard to the needs of the city at large and with the maximum attainable economies of a single system.

WHAT ALTERNATIVES?

Mr. Untermyer obviously considers that the values he proposes are the best bargain that the city can expect to get from the companies, and that although excessive they would be justified on broad public grounds, and would furnish the best attainable settlement for the future. As to this conclusion, there will undoubtedly be sharp differences of opinion and contention.

It will be recalled that the 1913 program under the so-called "dual contracts" was justified at the time by its proponents as constituting the best bargain that could then be obtained by the city, and that it should be approved because of the future benefits to be achieved. But the passage of seventeen years has proved the prediction so badly in error, that Mr. Untermyer now calls the 1913 arrangement as the "dual iniquities." Looking forward now, one must wonder what may happen to a system of unification the cost of which is now admittedly excessive, but which is again defended on the ground of broad public interest, and benefits to accrue in the future.

These are the questions that will be debated during the year. They should be considered in relation to alternatives that are attainable. There is no doubt that unification is desirable, if predicated upon values that are really justified. Any system, however, which is initially burdened by huge allowances for obsolete facilities, will have difficulty to stand against the ever-mounting future requirements for new facilities.

There are two alternatives to the proposed unification program: First, the present situation can be continued, with the two privately-operated rapid transit systems, and the new city system which will come into operation soon. This would not be satisfactory, and would have serious financial complications. The question, however, is whether the aggregate results would be less burdensome to the public at large than the proposed unification predicated upon excessive valuations.

The second alternative is for the city to recapture the subway properties, under the terms of the rapid transit contracts. Mr. Untermyer points out that there are no legal obstacles to immediate recapture, and that there would be no insuperable operating difficulties. Recapture would result in placing in the hands of the city practically all the rapid transit facilities which are modern, and would exclude all the obsolete properties. The cost would be moderate, amounting for the whole subway system to only $1,760,717 per mile of track, compared with $1,104,674 per mile allowed in the proposed unification for the obsolete I. R. T. elevated lines. To the recaptured properties could then be added the new city lines, all operated as a single system. To this consolidation could then be added all future construction, all financed and managed under the full ownership and control of the city.

The only serious objection to the recapture program, from the public standpoint, is the break-up of some of the present B. M. T. lines. Many people, undoubtedly, would be inconvenienced as to service and subjected to duplication of fares. The problem is to balance this objection against the advantages that recapture offers. The recapture program as a whole must be compared with the proposed unification plan as to relative advantages and disadvantages, or as to relative benefits and burdens.

NOTES AND COMMENT ON MUNICIPAL ACTIVITIES ABROAD

EDITED BY ROWLAND A. EGGER

English Universities and the Local Services.—The Editor of the REVIEW, in commenting in the issue of November last, pointed out an important difference between the national civil service in England and the local government service; namely, that while the national service depends almost entirely upon the universities from which to recruit its personnel, few university men enter the local government service.

In this connection the recent efforts of the National Association of Local Government Officers to procure university coöperation in the provision of adequate facilities for instruction in public administration should be of some interest. The opprobrium which has attached to utilitarian proposals around Oxford and Cambridge has naturally served to deter the inauguration of what is generally considered a trades course, although for some time local government has received some attention in connection with the diploma in economics and political science, while public administration, of a sort, is an optional subject in the honors school in philosophy, politics and economics.

Mr. W. G. S. Adams, of All Souls, Oxford, is one of the leading proponents of university instruction in administration. The writer recalls an interesting discussion between Professor Adams and several officials on instruction in public administration in colleges and universities, the crux of which is summarized by Mr. Hill, of Nalgo, in these words: "A University degree course must embrace studies beyond bookkeeping, accountancy, legal cases and the other forms of technical instruction necessary for the local government officer. For an appreciation of the technique of public administration one digs deep in history, and reduces to analysis those social forces which produce the present order; one should understand the development, side by side with local government, of those voluntary agencies which have been the precursors of statutory authority, be able to focus accurately the relationship between the nation and the citizen, see the local machine work as a whole and not departmentally, and, above all, be qualified to make comparisons with experiments in other countries."

University training in public administration from a practical point of view is not without precedent in Great Britain, however. The University of London at the present time offers a diploma in public administration for compliance with the following curricular requirements:

A. Compulsory subjects:
   I. Public administration, central and local.
   II. Economics, including public finance.
   III. Social and political theory.

B. Optional subjects, three of which are to be elected, at least one from each group:

   Group (a)—
   I. English constitutional law.
   II. English economic and social history since 1760.
   III. The constitutional history of Great Britain since 1660.

   Group (b)—
   I. Statistics.
   II. History and principles of local government (advanced).
   III. Social administration.

Students standing for the diploma are required to attend an approved scheme of studies extending over two full university sessions, and involving not less than 240 hours in all. The examination for the diploma is divided into two parts, both of which may be taken at the conclusion of the first session's work, or the first part may be taken at the end of the first session.

The liberalization of the attitudes of English academicians is important not only because of its possibilities in increasing the cultural equipment of the local government officer, but also because it may mean the beginning of real research on an extended and comprehensive scale—something unknown at the present time. Virtually the only source of authoritative information concerning English local government at the present time is the evidence gathered by the various Royal Commissions. While the work of Adams, Cole, and the Webbs is of foremost importance, a handful of people of this sort are unable to assemble the extraordinary amount of material necessary

for first-class investigation of any problem in local government. Too, much English writing on local government seems intended to point a moral or adorn a tale rather than to offer disinterested information. Like sociology, it is all conclusions and no data.

To the extent that this movement is successful in procuring for the local government service in Great Britain a younger personnel of the cultural and educational attainment which its singularly enviable tradition so richly deserves, it deserves the most unreserved support. In so far as it convinces Englishmen at large and local government officials in particular, through its stimulation of research, that English problems are neither describable nor solvable by the recitation of homely platitudes, it will be attended with the devoutest salaams and benedictions of foreign investigators.—*The Municipal Journal*, November 7, 1930.

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Home Rule for Chilean Cities.—The gathering tide of sentiment in South America against the system of hyper-centralized communal government and administration, which is a queer admixture of the French prefectural principle and our own quaint practice of legislative control, has found its spokesman and able protagonist.

THE INDICTMENT

In a polemic against popular lethargy and indifference to the state of administrative affairs, to which he attributes the present condition of municipal administration, Señor Rogelio Ugarte B., of the *Ejecutivo Nacional*, states the case for home rule in rational and succinct form. His indictment of the present system is couched in the following general terms:

1. The projection of politics into local administration introduces an alien factor into official life. Local government is business, and has been harmed by misuse as the stepping-stone for political ambition, by the creation of personnel machines through official authority and prerogatives.

2. The creation of election authorities, without prescribing the limits of their discretion and the enforcement of these limitations, has defeated the aims of local democracy and enabled ambitious officials to solidify their positions.

3. The conduct of local elections on lines of national political cleavage, rather than on points concerning local life and government.

4. The conversion, due to these influences, of the *alcalde's* office into one of political significance rather than of purely administrative leadership.

5. Failure definitely to separate the administrative and legislative functions in local government.

6. The absolute insufficiency of taxes under a system designed to operate largely by central subventions which have not been adequate or discreetly made. The system established was in the 1891 manner of thinking which modern urban development has left hopelessly inapplicable.

THE PROPOSALS

The spokesman for the *Ejecutivo* is aware, at the same time, of the necessity for central supervision and control, and his proposals represent a distinct contribution to the principles of administrative structure and organization. They are:

1. Establishment and maintenance of the principles of communal autonomy in communal affairs.

2. Definition of the juristic character and attributes of a municipal corporation.

3. Empowering the municipalities to pass ordinances with the effect of law, applying to communal affairs, and concerning not purely communal functions with the prior permission of the provincial administration.

4. Empowering the executive department to issue orders having the force of law, concerning all communes in matters of national significance.

5. Establishing central administrative supervision over municipal budgets and expenditures, as well as administrative review of the legality of public acts of local officials.

6. Empowering the Executive to arrange intercommunal projects of improvement and determine the distribution of the burdens resulting therefrom.

7. Granting the locality power of regulating structures and enforcing the transformation and modernization of all buildings.

8. (a) Codification of communal financial legislation, and the separation of municipal from other governmental funds.

(b) Empowering the municipality to receive directly its own tax levies.

(c) Permitting the municipality to tax at its own discretion in accordance with its needs and the services which its government deems wise to provide for the general use.

9. Regulation of circumstances under which officials determine electoral elegibility or the permitting of plural voting.

10. Appointment of election officials by the *alcalde*.

11. Making the tenure of the *alcalde* permanent, contingent only upon competence and good behavior and his refraining from political activity of any sort.

12. The definite demarcation of the functions and powers of *alcalde* and municipalities in local administration and legislation, respectively.

A portion of the article deserves translation, for which the following roughly will serve:

"For many years we have talked among ourselves of administrative decentralization, holding it always as our highest aspiration. The absence of all autonomy, and the complete centralization of administration has produced a total and pernicious congestion in all the activities of the Executive. But absolute communal autonomy is, in my opinion, undesirable. The life of the commune cannot be entirely abandoned to its own fate and the capricious acts of its authorities. Central administrative control is essential to secure financial continuity and stabilization and the conservation of revenue sources. In the period of transition through which we must pass the argument for supervision by established administrative authorities becomes even more cogent."—*Comuna y Hogar*, November, 1930.

⚜

Gesundheit der Städtetag!—The last year marked the twenty-fifth anniversary of the founding of the *Deutscher Städtetag*, our esteemed German contemporary. It is with much gratification that this department offers its congratulations on a quarter of a century of preëminent achievement in government reform.

Like many of the good things in life, the *Deutscher Städtetag* began as a protest. In 1879 the Reichstag proposed a tax on foodstuffs which seriously would have discommoded city dwellers. At the instance of a number of *bürgermeisters* all German cities of more than 10,000 inhabitants were invited to send delegates to Berlin, ostensibly for a "convention" but actually to redraft the noxious statute and put the thumb-screws on the Reichstag. Sixty-five cities responded to this invitation, sent representatives to Berlin, effected permanent organization, reprimanded the Reichstag and secured its capitulation. This survived until 1902, when it was found that the functions had far outgrown the existing type of union. In 1903 Oberbürgermeister Dr. Beutler, of Dresden, called the group together for reorganization, the object of which was to effect permanent union and adequate administrative machinery for a new era in municipal coöperation. This organization was completed in 1905 and the reformed union established at Berlin in that year.

At the time of its origin, the league contained 144 cities and 7 regional city-unions. At the present time there are 283 cities affiliated, with a population of 26,500,000, and all regional unions in Germany except the Lippe organization. This latter group of regional unions affiliated with the *Städtetag* contains 913 municipalities with a population of 5,400,000. The league is the spokesman for the local officials of thirty-two millions of Germans.

Each three years the general assemblies of the *Städtetag* occur, to which come 800 delegates. Between times there are annual meetings of a directorate of 130 delegates. The president is Professor Dr. Oskar Mulert, of Berlin, who directs a series of technical commissions which the *Städtetag* keeps constantly in operation, dealing with all phases of local government and administration.

The league publishes *Der Städtetag*, a weekly German National Municipal Review, which, however, is considerably larger than our own publication. The contents are much along the same line. It publishes also a quadrennial municipal statistical compendium, the *Statistische Vierteljahresberichte des Deutschen Städtetages*.

The National Municipal League and the REVIEW extend through this department their felicitations, and the old wish of "many happy returns."—*Der Städtetag*, October, 1930.

⚜

Trolley Buses in Germany.—Recent years have witnessed a marked revulsion of feeling on the part of traffic engineers and experts regarding the place of the trolley car in a transit system. Several large cities in the United States have adopted trolley buses, as adjuncts to their electric street railway services. Among these are Philadelphia and Detroit.

Germany, meanwhile, has proceeded with experimentation in evolving a system which eliminates certain of the objectionable features noted in this country. Betriebsdirektor Dr. A. Schiffer, of Essen recently has published the *dernier cri* on the subject of trolley buses, being

chiefly a description of the Mettman-Gruiten (Rhineland) transit service. Rome and Wiesbaden also have completed the installation of this type of service for their central areas, although too latterly to indicate significant results.

The advantages of trolley buses over street railways and gasoline buses are well established. As compared to trolley cars the elimination of danger hazards by the ability of the car to go to the curb, and the elimination of tracks in the street (which shortens the life of pavements on an average of three years, and increases annual cost including maintenance by $102.28 per mile of reinforced concrete pavement 40 feet wide—a fair example of the type of street upon which street cars generally operate). In addition the utility is saved the cost of track installation and maintenance, and the destruction of water mains by electrolysis is avoided. The pneumatic-tired trolley bus is silent. As compared with the gas bus the elimination of noxious fumes and noise, the stability of service due to the elimination of mechanical deficiencies, and the lighter weight per passenger, due to exterior motivation must be counted in arguments for the trolley bus.[1]

Herr Schiffer's conclusions are indubitably in favor of the substitution of trolley buses for other types of surface transportation. In Germany, where transit is commonly a municipal function, a composite view of the public welfare doubtless will encourage the adoption of this type. In the United States it is unreasonable to expect the utility companies to scrap the junk upon which they receive "fair returns" and depreciation allowances for the dubious service of the obstruction of traffic. The decline of the street railway return may, however, precipitate the complete abandonment of the rail services, and utility commissions could not do better than to investigate foreign experience as a preliminary to the alteration of franchise terms.—*Beschriebung des Elektrischen Oberleitungs Omnibusses Mettman-Gruiten* (brochure).

Local Finance in Italy.—Only a few weeks ago the world read of the drastic salary cut program upon which His Majesty's Government in Italy has embarked. The precedents to this action in other phases of governmental contribution to national economic stabilization have gone almost unnoticed.

Local governments in Italy derive the major portions of their revenue from surtaxes upon alcoholic products. The idea of the central government is that localities should be of assistance in bringing Italy out of their slump in labor demand. The localities, therefore, must be provided with more money. An additional tax on alcoholic beverages is the easiest way to secure these funds. Mussolini has been waging a war against excessive alcoholic consumption anyway. Besides, the central government is hard put to keep afloat on revenues from all other services, and cannot make available new sources of revenue for the communes. The following are examples of the increases in consumption levies: wine, from 14 to 20 per cent; beer, from 66 to 71 per cent.

Other sources of communal revenue have likewise been increased. Gas and electricity consumption are subject to greatly increased levies, although the law in this regard is permissive and not mandatory, and the communes themselves may affirm or repeal these imposts within their jurisdiction even to the point of total exemption of gas and electricity consumption from local taxation.

Equally drastic are the food taxes. Beef, for example, has been taxed at 60 per cent, and is now subject to a 100 per cent levy. Veal is increased from 30 to 80 per cent. Mineral water—the only water in Italy which can be consumed safely—all spices and flavorings, including garlic, and sugars have been likewise increased.

These consumption taxes are, as applied to commodities to which exceptions have not previously been made, in lieu of the ancient "octrois." The government has created a reserve fund of 375 million lira for aid to localities which are unable to balance their budgets under the new plan, due to the recent marked contraction of public purchasing ability, and to the recent disasters in several parts of the kingdom. The old eighths produced about two and one-half billions of lira annually.

The new revenue law is, from any viewpoint except that of practicability, open to devastating criticism. As the editor of *L'Administration Locale* points out, it represents in certain aspects a progressive point of view, and in others a veritable *retour* in the direction of principles long since abandoned in other jurisdictions.—*L'Administration Locale*, September, 1930.

[1] The Mettman-Gruiten trolley buses weigh, without motors, 3,920 kgs., the street cars 6,500. These trolley buses carry approximately 50 persons.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since December 1, 1930:

Bureau of Governmental Research, Kansas City, Kansas:

Report on the General Bonded Debt of Wyandotte County, the City of Kansas City, Kansas, and the Board of Education.

Bureau of Budget and Efficiency of the County of Los Angeles:

Survey of the City Clerk's Office, Los Angeles, California.

League of Minnesota Municipalities:

State Income Taxation.

Bureau of Municipal Research of Philadelphia, for Thomas Skelton Harrison Foundation:

Criminal Division Probation in the Municipal Court of Philadelphia.

Filing of Social Case Records in the Municipal Court of Philadelphia.

Stamford (Conn.) Taxpayers' Association:

The Town Poor House.

League of Wisconsin Municipalities:

Annexation of Territory by Cities—Procedure and Forms.

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California Taxpayers' Association.—The Association has drafted tentative bills outlining the fundamentals necessary to be incorporated into law in order to make effective California's prison industries. These bills provide for the state-use system of marketing prison goods, which is designed to eliminate, as far as possible, competition in the open market. Suggestions are also made for the organization and development of the prison industries themselves. This work is based on a previous survey made by the Association.

Coöperating with the Los Angeles Chamber of Commerce and other civic organizations, the Association has prepared a bill establishing a limitation on the amount of special assessments.

The state department of finance, in preparing the state budget for the next biennium, has made use of the estimates of revenues to accrue to the general fund, which have been made by the Association during the past months. The revenues to the highway fund, which is the largest fund of the state of California, have also been estimated by the Association. These estimates have been used by the highway department in the preparation of its budget and are the basis of its ten-year building program.

The Association has drafted an ordinance providing for a central purchasing office for San Diego County. The board of supervisors of that county has adopted this ordinance, thus making effective the consolidation of a large number of purchasing offices in San Diego County. The board is now asking the Association to recommend the systems to be used in this new office.

The Association's study of the University of California will soon go to press. This report will show the unit cost of teaching segregated by departments and subjects, and will make possible direct comparison between classes in the upper and lower divisions of the University. The units used are the cost per enrollment hour and the cost per academic unit granted.

The Fresno County division, coöperating with the Fresno County board of supervisors, has engaged the research department of the Association to conduct a complete study and analysis of the Fresno County school system. The survey will reveal the per capita costs of education, construction costs, the curriculum offered, and a detailed analysis of the teaching load and teaching cost of each school district in the county.

The Contra Costa County division is making a survey of the schools of that county. A commission of ten leading citizens of the county, to comprise an advisory committee to sit with school authorities for the study of the problem, has been appointed.

A joint survey committee of representatives of the state Junior College Association and California Taxpayers' Association has under way a

financial survey of the various junior colleges in the state.

Rolland A. Vandegrift, former secretary of the Association, has been appointed by the newly-elected governor, James Rolph, Jr., to the office of director of finance of the state of California.

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Philadelphia Bureau of Municipal Research.—The results of an examination of the methods of "Filing of Social Case Records in the Municipal Court of Philadelphia" are set forth in a report by that title made by the Philadelphia Bureau of Municipal Research recently published by the Thomas Skelton Harrison Foundation.

A social case record of the municipal court consists of a number of papers relating to the problems of a family or individual and of the social or legal treatment applied to these problems by the court. The court handles a tremendous volume of these records. On June 30, 1930, after 16½ years of operation, the number of records is given as 210,247. Preservation of these records and finding them promptly when they are called for is an imposing task.

The report sets up a number of standards for case-record filing and compares the practice in the court with the standards. Attention is also given in the report to the filing organization as a whole. The court has a record bureau, which at the time of this study had charge of the record filing of only three probation divisions. There were seven other record sections, three for probation divisions and four for medical divisions. The worker in charge of each of these divisions was responsible to the probation officer or director in charge of the division rather than to the clerk in charge of the record bureau. Each of the ten record sections had its own index. Some had more than one index. In addition, another unit of the court, the central registration bureau, maintained an index of all the probation cases. Such a situation naturally suggested possibilities of consolidating the case record filing, and these possibilities are discussed in the report.

This report was written by Arthur Dunham, secretary, child welfare division, Public Charities Association of Pennsylvania; formerly secretary, Philadelphia Social Service Exchange.

Another report by the Bureau published as part of the Harrison Foundation's municipal court survey series gives an intimate view of the probation work done in the municipal court with persons convicted of criminal offenses. The report entitled "Criminal Division Probation in the Municipal Court of Philadelphia" falls into two parts, dealing, respectively, with the men's criminal division and the women's criminal division.

Examination convinced the writer of the report that the work of the men's division could not be "dignified by the name of probation." There was little or no investigation; little or no home visiting. Some probationers called at the office regularly; many did not; and interviews with those who did were stereotyped and brief. Nothing was planned for probationers or their families. Resources of the court, such as the medical department, and of outside agencies were ignored. Even record keeping was being neglected. The writer attempted to measure the work by accepted standards but gave it up, since "it is merely a question of totaling the noes."

The fundamental difficulty was an incompetent staff, and the principal recommendation of the report is the establishment of a merit system for the court's probation personnel.

Passing on to the women's division, the report finds the work much better done. This division also failed to plan for probationers and also neglected resources available both in the court and out. But it did investigate cases; did make home visits; and did keep satisfactory records. Probationers were largely foreign women convicted of illegal selling of liquor and could not be regarded as very hopeful probation material. The report states that under the circumstances the results obtained were surprisingly good.

This report was written by George E. Worthington, Esq., general secretary and counsel, Committee of Fourteen, New York City; formerly acting director, department of legal measures, the American Social Hygiene Association, New York City.

Interested persons may obtain copies of the reports referred to above free of charge upon application to the Bureau of Municipal Research, 311 South Juniper Street, Philadelphia, Pa.

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Schenectady Bureau of Municipal Research.—Albert H. Hall, managing director of the Bureau, resigned as of January 1, and assumed new duties as director of the Bureau of Training and Research of the New York State Conference of Mayors and Other Municipal Officials. This new division of the Conference has been created to supervise the training of all classes of munici-

pal employees and to conduct research studies into municipal problems of state-wide importance. The work has been made possible by a six-year grant from the Spelman Fund of New York.

The Capital Budget Commission has completed its work on revising the current expenditure side of the capital budget and is now considering changes in the original capital program. In conjunction with its work on the Commission, the Bureau has completed a study of municipal revenues, recommending additions to present sources and the inclusion of hitherto unused avenues of income. Also in this connection, the Commission has gone on record as favoring an allocation of the gasoline tax to cities and has urged proper authorities to bring about this change.

The radio series sponsored by the Bureau and the New York State Mayor's Conference is now under way and is receiving favorable comment. Nine speakers are yet to be heard.

In conjunction with the city bureau of sewage disposal and Union College, the Bureau has aided in the preparation of a film showing the operation of the sewage disposal plant. This is the first film ever made by the city of a municipal function. The Bureau plans to inaugurate an extensive plan for reporting city activities to groups by means of motion pictures.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Correction of Errors in Comparative Tax Tables.—Two errors in the comparative tax tables published in the NATIONAL MUNICIPAL REVIEW for December have been called to our attention by Charles Roser, auditor of the Public Utilities Bureau, Louisville, Kentucky. For New York City the school rate should read $5.24, rather than $5.74 as noted in the tables. For San Francisco the total tax rate per $1,000 per assessed valuation should read $40.50, instead of $40.40.

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Mr. Gove Replies to Mr. Newman.—In the January issue of the NATIONAL MUNICIPAL REVIEW appeared an article by Bernard J. Newman, reviewing the housing code prepared by the New York state board of housing, which misinterprets the purpose of the code and the use intended for it.

The pamphlet issued by the New York state board of housing is entitled "A Housing Code." It was prepared to meet requests from municipalities in the state for provisions relating to light and air "suitable for adoption either as a separate ordinance or as part of an existing ordinance" when no provision had already been made. It is a model in the sense that it may serve as something to be followed. It is not intended as a complete specification for the planning or construction of buildings. No law should be that. If, however, its provisions are observed, it is believed that the public safety, in the matter of housing, will be secured. Support is given to this view by favorable comments from competent health authorities.

Apparently, the reviewer was disappointed in not finding the elaborate detailed requirements generally incorporated in housing codes. His comments are directed chiefly against what he regards as flaws in the text and inconsistencies which a closer and more careful reading would clear up. He has evidently not sought the underlying and governing principles.

The late Charles P. Ball, chief sanitary inspector of Chicago, in an address before the Building Officials' Conference of America, in 1918, pointed out, very properly, that the room was the unit around which the provisions for hygienic conditions in buildings should be formulated. In the housing code, rooms in residence buildings must open to the outer air through the medium of openable windows, the spaces on which they open being of prescribed minimum but adequate dimension; rooms in business buildings must be ventilated either by the method prescribed for residence buildings or by mechanical means; places of assembly, with certain exceptions, must be mechanically ventilated; in institutional buildings a combination of both methods is prescribed.

Criticism has been directed against the required dimensions of the open spaces, more specifically the depth of yards behind residence buildings. It is stated that "yard area requirements here permit lot coverage greater than is permitted under similar conditions by the city code," the reference being to the law applying to New York City. The "city code" fixes the minimum depth of yard at thirteen feet for interior lots and six and one-half feet for corner lots; whereas the housing code calls for "not less than fifteen feet" on interior lots and "not less than ten feet" on corner lots. Furthermore, when windows open on such yards (and it is hardly conceivable that residence buildings would not use such open spaces for ventilation), the width of yard for a building ninety feet high must be thirty feet in any case under the housing code, as compared with twenty feet for interior lots and ten feet for corner lots under the "city code."

After all, the amplitude of the open spaces is the determining condition of the healthfulness of the building. In the housing code the minimum dimensions prescribed for courts, including yards, for residence buildings are such that at least once during the year, at the summer solstice, for a short period of the day, sunlight can penetrate to the bottom. This is a higher standard, in the most essential requirement for housing, than set by any other code. It is well above that set for side courts in the "city code"; though it should

be remembered that the housing problem in New York City is a special one, not comparable with that of other municipalities of the state.

The minimum size of rooms is criticized by the reviewer. On the other hand, the views of health officers would lead to the belief that the regulation of room dimensions is unnecessary. There is no demonstrated relationship between size of rooms and health. There are rooms in multi-family houses in New York City which have a width of only six feet, regarding which there has never been any complaint; some of them are operated by semi-philanthropic organizations. It is not more than two years since the "city code" permitted servants' bedrooms to be six feet wide. Are we to assume that the health of domestics is a negligible matter? The present "city code," the multiple dwelling law, permits rooms in hotels, boarding houses, boarding schools, college dormitories, among other occupancies, to be only six feet wide. The permissible use in buildings hereafter erected of six-foot rooms which open, as required by the housing code, on open spaces such as prescribed, will make possible the building of houses for those who are now forced to live in slum conditions by the rents which they can afford to pay.

Time and space do not permit to make a fuller analysis. The basic principles outlined herein will indicate the underlying purpose. It is believed that adequate detail is given to assure compliance with the intent of the code by fair-minded authorities. In the hands of others, no amount of detail will give such assurance.

GEORGE GOVE.

State Board of Housing.

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Reorganization of the State Government of Georgia.—The movement for reorganization of the state government of Georgia began several years ago. In 1922, Governor Thomas Hardwick employed Griffenhagen & Associates to make a survey. The following year, when he submitted the report of Griffenhagen to the legislature, he sent a message to the legislature in which he said: "We are board-ridden, commission-ridden, and trustee-ridden in this state." But nothing was done at that time.

Lamartine G. Hardman made reorganization one of the main issues in his campaign for the governorship against John G. Holder in 1926, and was elected by an impressive majority. True to his pledge, he called upon the legislature in his first message in 1927 to bring about the consolidation of the state administrative system. Governor Hardman was not successful, although the legislature did not ignore the matter entirely.

Undaunted by defeat in 1927, Hardman carried the issue again to the people in 1929. Senator E. D. Rivers was his opponent this time. Governor Hardman was reëlected by an overwhelming vote.

In April, 1929, the Governor appointed a commission composed of seventeen men to work out a plan for reorganization. Ivan Allen of Atlanta was made chairman of this body. The commission held its first meeting at the Capitol in Atlanta during the latter part of April. At this meeting a sub-committee of three men was designated to work out the details of a plan. This sub-committee was made up of the chairman, Mr. Hooper Alexander, and the writer.

Early in June of the same year (1929), the sub-committee made its report to the plenary commission. A preliminary draft of a bill covering the recommendations was submitted along with the report. The sub-committee's report was accepted by the commission with only a few changes. The Allen Plan, as it was called, provided that the 90 boards, departments, offices, etc., of the state should be consolidated into fifteen departments, one commission, and two boards. Most of the department heads were elected by the people prior to this time, but the plan of the commission called for the appointment of six heads by the governor with the consent of the Senate, the auditor was to be elected by the legislature, and the people were to elect six department heads.

Governor Hardman endorsed the Allen plan and transmitted it to the legislature in July, 1929. The report was referred to the committee on the State of the Republic by Speaker Russell. Mr. Hugh Peterson who was chairman of that committee had been a member of the Allen Commission. Peterson's committee held several hearings on the proposed bill and made a few changes in it. After these changes were made, the committee adopted the measure by unanimous vote. Many state politicians were bitterly opposed to the act and tried to prevent consideration of it by the House. However, in spite of these efforts, the bill came up for a vote during the last week the legislature was in session and it was killed by a vote of 81 to 109. The upper house did not take any action.

In the 1929 campaign for governor, reorganization of the state government was a vital issue.

There were five candidates in the field for the Democratic nomination, and the staunchest advocate of consolidation, Richard B. Russell, Jr., was victorious.

In the meantime, Governor Hardman had employed Sears, Miller & Company of New York to make a survey of the state government. The Georgia Tax Association paid for this survey. The report recommends drastic reorganization and the reduction of the number of departments from 108 to 17. Governor Hardman does not go out of office until next June, and it is rumored that he will call an extraordinary session of the legislature to consider administrative reorganization. I think that it is very unlikely that Governor Hardman will call a special session in view of the fact that Mr. Russell defeated the candidate that Hardman backed.

It looks as if Governor-elect Richard B. Russell, Jr., will be able to succeed where others have failed. He is very popular with the legislature and this will serve him in good stead. Mr. Russell is thoroughly committed to the program for simplification and, no doubt, will carry it through.

CULLEN B. GOSNELL.

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Chicago Council Authorizes First Step Towards a New Subway.—July 1, 1930, the voters of Chicago approved an ordinance of the city council providing for a comprehensive unified local transportation system for the city and the adjacent metropolitan area and granting a franchise to the Chicago Local Transportation Company, which is to be organized to operate the unified system. This ordinance includes a provision requiring the city to construct, at its own expense, for the use of the company, a four-track subway in downtown State Street, extending north and south about three and one-half miles and connecting at its termini with the present North Side and South Side elevated railway structures.

It is planned to finance the subway as a local improvement. Under this plan, part of the cost will be paid by special assessments, to be levied in forty installments against abutting and other property in the district that will be specially benefited by the improvement. The remainder of the cost will be assessed against the city for "public benefits" and will be paid from the so-called "traction fund," which has been accumulating since 1907 under the provisions of the street railway franchises of that year requiring the companies to pay to the city a percentage of their receipts.

On December 15, 1930, the city council passed an ordinance authorizing the construction of the subway and directing the corporation counsel to institute necessary court proceedings under the local improvement act for levying the proposed special assessments. The estimated cost of the improvement as set forth in the ordinance, including engineering and other overhead expense of $1,959,000, is $44,500,000. Actual construction work (except on the section under the Chicago River, the estimated cost of which, $3,354,000, is to be financed entirely from the "traction fund") must await the final disposition of the special assessment proceedings. It is doubtful whether even the river section will be built until the various legal questions involved in such proceedings have been settled.

HARRIS S. KEELER.

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Springfield's (Missouri) Mayor in Difficulty.—Petitions are being circulated at this writing (November 25) asking the recall of Mayor Thomas H. Gideon of Springfield, Missouri. Mayor Gideon was elected for a four-year term in April, 1928. Since his induction into office, the career of Mayor Gideon has been exceedingly stormy. In October of last year (1929) in one of the most bitterly contested campaigns in the city's history, the mayor successively survived a recall election. The vote in this first recall election was 7,511 against the recall and 6,624 for the recall.

The movement in this earlier attempt to dismiss Mayor Gideon centered around the activites of his chief of police. At the time of this recall election, the chief was under indictment by a federal grand jury on a charge of illegally transporting liquor from the police station. Later, the chief was convicted on this charge, but the mayor steadfastly refused to fire him, even after his conviction, while an appeal was pending in a higher court. But the conviction was finally sustained, and Springfield's former chief of police is just now completing a year's sentence in the federal penitentiary at Leavenworth.

It also appears now as though the mayor was about to follow in the footsteps of his subordinate. Since the recall election of last year, Mayor Gideon himself has been indicted and convicted in federal court for conspiracy to violate the prohibition law and sentenced to two years in prison. He has continued in office

while his appeal is pending. The petitions for a second recall election cite Gideon's conviction and also charge him with general incompetency, failure to administer laws, extravagance in the use of public funds, and failure to recognize women in public appointments.

MARTIN L. FAUST.

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The Public Administration Clearing House Begins Operation.—Increasing recognition of the importance of the problems of administration in government is indicated by the organization of the Public Administration Clearing House which will begin operation in Chicago in February under the direction of Louis Brownlow, first vice-president of the National Municipal League, formerly president of the International City Managers' Association, and an active participant in the affairs of several organizations concerned with the problems of government.

The Clearing House is to be governed by a board of trustees, seven in number, of which former Governor Frank O. Lowden of Illinois is chairman, former Governor Harry F. Byrd of Virginia is vice-chairman, and Richard S. Childs of New York, president of the National Municipal League, is treasurer. Other members of the board are Newton D. Baker, former secretary of war, Chester H. Rowell of California and Louis Brownlow. The seventh member of the board who will be a Canadian is yet to be chosen.

The object of the new organization is indicated by its name—it is to be a clearing house of information and ideas in the field of public administration. It will undertake no direct work on its own account—it will not make surveys nor undertake studies. It will endeavor to find out what is being done in the field of public administration by organizations of operating officials, by research units, in the universities and so on, and make the results available to other organizations.

Headquarters of the Clearing House will be at Drexel Avenue and 58th Street in Chicago, near the University of Chicago, and in close proximity to the City Managers' Association, the Bureau of Public Personnel Administration and the American State Legislators' Association.

The Clearing House has been financed for a ten year period by the Spelman Fund of New York.

Mr. Brownlow, who has been chosen as director of the new organization, has been serving as municipal consultant to the City Housing Corporation in the building of the model city of Radburn, N. J. He will remove to Chicago to take up his new duties early in February.

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Delaware Executive Raps County Government.—The existing system of county government in Delaware came in for strong condemnation by Governor Buck at the annual dinner of the Taxpayers' Research League of Delaware of which Russell Ramsey is director. Our county government, said the governor, is almost what it was in colonial days. The waste of money it entails startles the imagination and it is incredible that the public which pays the bills should be content to sit by and see it continue. The governor cited the fact that each county in Delaware maintains its own road building commission, although the state appropriates millions of dollars for improvements. "Remove road building from the jurisdiction of the county levy courts," declared the governor, "and you remove political patronage and the courts' chief work for which there seems to be hardly any excuse." We elect one man for four years to run the affairs of the state and thirteen men to conduct the business of the county and we pay three times as much for this service as we pay for the state, he added.

We agree with the governor. Delaware is a small state with only three counties. Their right to continue as semi-autonomous political units is indeed questionable.

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Training Schools Under New York State Conference of Mayors.—During December and January the New York State Conference of Mayors and other Municipal Officials conducted training schools for four classes of officials.

On December 2 and 3 a school for building inspection officials was held at Syracuse in coöperation with the state department of labor and the state board of housing.

During the week of December 1 a school for instructors of municipal police training schools was conducted at Troy. It was attended by instructors from sixteen municipal schools. They were trained in methods of instruction in the following subjects: laws of arrest, observation, search warrants, police courtesy, vehicles and traffic law and methods of enforcement, evidence, and local ordinances. Previous lectures on assault, larceny and disorderly conduct were reviewed.

On December 4, 5 and 6 a training school for municipal public welfare officials was carried on in Albany. It was attended by twenty-four commissioners of public welfare and their staffs, representing twenty cities.

On January 28, 29 and 30 a training school for city and village assessors was held at Albany.

The New York Conference, under the able leadership of William P. Capes, is to be congratulated upon the notable work being done in the development of training schools for public officials. It is significant that it is a coöperative movement of the officials themselves through the instrumentality of their own conference and is not being imposed upon them by higher state authorities.

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County Government Reform Considered in Texas.—As we go to press we are advised that a constitutional amendment is to be introduced into the Texas legislature to enable counties to set up modern governmental organization under home rule authority. Texas counties are governed by a county commissioners' court which is similar to the board of supervisors in other states. The idea behind the amendment is to permit counties to transform the county commissioners' court into a true governing body with power to appoint the usual administrative officers. One issue involved appears to be the abolition of the fee system of payment of county officials. It is rumored that county officers in the larger counties of Texas which contain good-sized cities now receive as much as $100,000 a year from fees for the administration of their office.

The amendment is sponsored by the Fort Worth Chamber of Commerce and was prepared by a committee under the chairmanship of the Hon. Walter H. Beck, who will introduce it into the legislature.

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Pittsburgh Plan for Citizenship Training.—As many of our readers know, A. Leo Weil of Pittsburgh has interested himself for a number of years in training for citizenship. He is chairman of the Pittsburgh Committee for Education, and his report recently published is a record of progress in coöperation with the public and parochial schools, as well as with the institutions of higher learning, of his city. Plans for organizing school children into little democracies with definite projects to be carried out and for the revision of teaching courses to emphasize the moral obligations of citizenship are now well under way.

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Civic "Kits."—In connection with a series of luncheons on adventures in citizenship, the Boston League of Women Voters has adopted the novel practice of circulating "kits" on Boston's city government. The kits are envelopes containing brief mimeographed articles on such topics as digest of present city charter, health, relief, library, schools, budget and the like. By this means the addresses of specialists in the various fields of municipal activity are made more helpful and intelligible to the members.